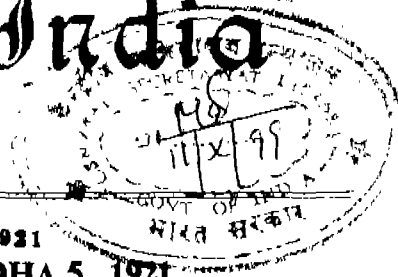




भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY



सं० 26]
No. 26]

नई दिल्ली, शनिवार, जून 26, 1999/आषाढ़ 5, 1921
NEW DELHI, SATURDAY, JUNE 26, 1999/ASADHA 5, 1921

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 3 मार्च, 1998

(आयकर)

का.आ. 1729.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "बैसिक कैमोकल्स, फार्मास्यूटीकल्स एण्ड कास्मेटिक्स एक्सपोर्ट प्रमोशन कौंसिल, मुम्बई" की कर निर्धारण वर्ष 1993-94 से 1995-1996 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय या इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है :

(ii) कर निर्धारित उपर उल्लिखित कर निर्धारण वर्षों के संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीकृत अंशदान से भिन्न) का निवेध नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग में लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10538/फा.सं. 197/98/95-आ.क.-

नि.-I]

एच. के. चौधरी, अवर सचिव

sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the Objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10547/F. No. 197/129/97-ITA-I]
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 24 मार्च, 1998

आयकर

का.आ. 1733:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "हमदर्द दवाखाना (वक्फ), नई दिल्ली" को कर निर्धारण वर्ष 1998-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्ण-आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वच्छिक अंशदान से भिन्न) का निवेश करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ के रूप में हो जब तक कि ऐसा कर कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों,

[अधिसूचना सं. 10562/फा.सं. 197/15/98-आ.का.नि.-I]
एच. के. चौधरी, अवसरमंचिव

New Delhi, the 24th March, 1998

(INCOME TAX)

S.O. 1733.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Hamdard Dawakhana (WAKF), New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, Furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the Objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10562/F. No. 197/15/98-ITA-I]
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 1 अप्रैल, 1998

(आयकर)

का. आ. 1734.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दी मैसूर रिजैटलमेन्ट एण्ड डेवेलपमेन्ट एजेंसी (एम वाई आर ए डी ए), बंगलूर" को कर निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप

में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10566/फा. सं. 197/14/98-

आ. क. नि.-I]

एच. के. चौधरी, अवसर सचिव

(INCOME TAX)

New Delhi the 1st April, 1998

S.O. 1734.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Mysore Resettlement and Development Agency (MYRADA), Bangalore" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the statement of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10566/F. No. 197/14/98-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 1 अप्रैल, 1998

(आयकर)

का. आ. 1735.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मध्यप्रदेश कोमिल फार चार्टर्ड वेल्फेयर, भोपाल" को कर निर्धारण वर्ष 1993-94 से

1995-1996 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10567/फा. सं. 117/16/98-

आ. क. नि.-I]

एच. के. चौधरी, अवसर सचिव

New Delhi, the 1st April, 1998

(INCOME TAX)

S.O. 1735.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Madhya Pradesh Council for Child Welfare, Bhopal" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10567/F. No. 197/16/98-ITA-I]
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 1 अप्रैल, 1998

(आयकर)

का. आ. 1736.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सन्त निरंकारी मण्डल, नई दिल्ली" को कर निर्धारण वर्ष 1998-99 से 2000-01 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10568/फा. सं. 197/19/98-
आ. क. नि.-I]

एच. के. चौधरी, अवसर सचिव

New Delhi, the 1st April, 1998

(INCOME TAX)

S.O. 1736.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sant Nirankari Mandal, New Delhi" for the purpose of the said sub-clause

for the assessment years 1998-99 to 2000-01 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10568/F. No. 197/19/98-ITA-I]
H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 2 अप्रैल, 1998

(आयकर)

का. आ. 1737.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "साऊथ सेंट्रल जोन कल्चरल सेंटर, नागपुर" को कर निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10572/फा. सं. 197/6/98-
आ. क. नि.-I]

एच. के. चौधरी, अवर सचिव

New Delhi, the 2nd April, 1998

(INCOME TAX)

S.O. 1737.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "South Central Zone Cultural Centre, Nagpur" for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10572/F. No. 197/6/98-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 2 अप्रैल, 1998

(आयकर)

का. आ. 1738.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "पीर हाजी अली दरगाह ट्रस्ट, मुम्बई" को कर निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उपखण्ड के प्रयोजनार्थ अधिष्ठाित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अतन्त्रतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ङग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10573/फा. सं. 197/18/98-
आ. क. नि.-I]

एच. के. चौधरी, अवर सचिव

New Delhi, the 2nd April, 1998

(INCOME TAX)

S.O. 1738.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Pir Hazi Ali Dargah Trust Mumbai" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10573/F. No. 197/18/98-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 17 अप्रैल, 1998

(आयकर)

का.आ. 1739.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इंडिया ट्रेड प्रमोशन आर्गेनाइजेशन, नई दिल्ली" को कर-निर्धारण वर्ष 1998-99 से 2000-01 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10577/का.सं. 197/69/97-आयकर.नि.-I]

एच.के. चौधरी, अवर सचिव

New Delhi, the 17th April, 1998

(INCOME TAX)

S.O 1739.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "India Trade Promotion Organisation, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-01 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or

modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10577/F. No. 197/69/97-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 20 अप्रैल, 1998

(आयकर)

का.आ. 1740.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इक्विबिशन सोसाइटी, हैदराबाद" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती अपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर, जवाहिरात, फर्नीचर, आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10578/का.सं. 197/12/98-आयकर.नि.-I]

एच.के. चौधरी, अवर सचिव

New Delhi, the 20th April, 1998

(INCOME TAX)

S.O. 1740.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Exhibition Society,

Hyderabad" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10578/F. No. 197/12/98-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 4 मई, 1998

(आयकर)

का.आ. 1741 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सेवा मन्दिर, उदयपुर, राजस्थान" को कर निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इस स्थापना की गई है;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेल्स-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रामाणिक नहीं हो तथा ऐसे कारोबार

के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10583/का.सं. 197/3/98-आ.का.नि.-I]

एच.के. चौधरी, अवर सचिव

New Delhi, the 4th May, 1998

(INCOME TAX)

S.O. 1741.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Seva Mandir, Udaipur, Rajasthan" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10583/F. No. 197/3/98-ITA-I]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 5 जून, 1998

(आयकर)

का.आ. 1742.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "चिल्ड्रन बुक ट्रस्ट, नई दिल्ली" को कर निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में

विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10626/फा. सं. 197/138/92-
आ. का. नि.-I]

प्रोमिला भारद्वाज, उप सचिव

New Delhi, the 5th June, 1999

(INCOME TAX)

S.O. 1742.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Children's Book Trust, New Delhi" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10626/F. No. 197/138/92-ITA-I]
PROMILA BHARDWAJ, Dy. Secy.

नई दिल्ली, 15 जून, 1998

(आयकर)

का.आ. 1743.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ब्यूरो ऑफ इंडियन स्टैंडर्ड्स, नई दिल्ली" को कर

निर्धारण वर्ष 1998-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारित इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारित ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारित के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10629/फा. सं. 197/158/97-
आ. का. नि. I]

प्रोमिला भारद्वाज, उप सचिव

New Delhi, the 15th June, 1998

(INCOME TAX)

S.O. 1743.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bureau of Indian Standards, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10629/F. No. 197/158/97-ITA-I]
PROMILA BHARDWAJ, Dy. Secy.

नई दिल्ली, 29 जुलाई, 1998

(आयकर)

का.प्रा. 1744:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “इंस्टीच्यूट ऑफ चार्टर्ड अकाउंटेंट्स ऑफ इंडिया नई दिल्ली” को कर-निर्धारण वर्ष 1996-97 के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है; अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव, में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10650/का. सं. 197/34/97—
आयकर नि.-I]
समर भद्र, अवसर सचिव

New Delhi, the 29th July, 1998

(INCOME TAX)

S.O. 1744.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Institute of Chartered Accountants of India, New Delhi” for the purpose of

the said sub-clause for the assessment years 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10650/F. No. 197/34/97-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 29 जुलाई, 1998

(आयकर)

का.प्रा. 1745:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा “सोसायटी फार सोशल फारेस्ट्री रिसर्च एण्ड डिवेसपमेंट, मद्रास” को कर-निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है; अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10652/फा. सं. 197/165/97-
आई टी ए-1]

समर भद्र, अवर सचिव

New Delhi, the 29th July, 1998

(INCOME TAX)

S.O. 1745.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Society for Social Forestry Research & Development, Madras" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10652/F. No. 197/165/97-ITA-1]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 सितम्बर, 1998

(आयकर)

का.आ. 1746:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते रहते हुए केन्द्रीय सरकार एतद्वारा "नेशनल कल्चर फंड, नई दिल्ली" को कर-निर्धारण वर्ष 1996-97 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संस्थान पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10687/फा. सं. 197/113/96-
आयकर नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 7th September, 1998

(INCOME TAX)

S.O. 1746.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Culture Fund, New Delhi" for the purpose of the said sub-clause for the assessment years 1996-97 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contribution received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10687/F. No. 197/113/96-ITA-1]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 18 सितम्बर, 1998

(आयकर)

का.आ. 1747—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “चिल्ड्रन बुक ट्रस्ट नई दिल्ली” को कर-निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि) के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिक नहीं रखी जाती हो ।

अधिसूचना सं. 10697/197/29/98-आयकर निर्धारण-I]

समर भद्र, अवर सचिव

New Delhi, the 18th September, 1998

(INCOME TAX)

S.O. 1747.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Children Book Trust”, New Delhi for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions

received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10697/F. No. 197/24/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

का.आ. 1748—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “मिशनरीज आफ चैरिटी, कलकत्ता” को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान भिन्न से) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10711/फा. सं. 197/46/98—

आई टी ए-I]

समर भद्र, अवर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 1748.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Missionaries of Charity", Calcutta for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established.
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10711/F. No. 197/46/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

का.आ. 1749:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "कौंसिल फार एडवांसमेंट आफ पीपल्स एक्शन एण्ड रूरल टेक्नोलॉजी, नई दिल्ली" को कर-निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वीच्छिक अंशदान से भिन्न)

का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10712/का. स. 197/39/98—

आई. टी. ए.-I]

समर भद्र, अवर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 1749.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Council for Advancement of Peoples Action and Rural Technology" New Delhi for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10712/F. No. 197/39/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

का.आ. 1750:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सत्य साई सेंद्रल ट्रस्ट, बंगलूर" को कर-निर्धारण वर्ष 1999-2000 से 2001 से 2002 तक के लिए

निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;

[Notification No. 10713/F. No. 197/42/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 सितम्बर, 1998

(आयकर)

- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

का.आ. 1751:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द मलकारा आर्थोडॉक्स सीरियन चर्च”, केरल को वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक अधिक ढंग अथवा तरीकों से भिन्न तरीकों इसकी निधि (जेवर-जवाहिरात फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10713/फा. सं. 197/42/98

आयकर नि. I]

समर भद्र, अवर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 1750.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sri Sathya Sai Central Trust”, Bangalore for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture, etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the

[अधिसूचना सं. 10714/फा. सं. 197/44/98—

आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 24th September, 1998

(INCOME TAX)

S.O. 1751.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The Malankara Orthodox Syrian Church”, Kerala for the purpose of the

said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10714|F. No. 197|44|98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 1998

(आयकर)

का.आ.1752:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “रामकृष्ण शारदा मिशन दक्षिणेश्वर, कलकत्ता” कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान के भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध

में अलग लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10715 का. सं. 197/48/98-
आयकर नि.-I]

समर भद्र, अवर सचिव

(INCOME TAX)

New Delhi, the 7th October, 1998

S.O. 1752.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Ramakrishna Sarda Mission, Dakshineshwar Calcutta for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10715|F. No. 197|48|98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 1998

(आयकर)

का.आ.1753:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द इंडियन सिल्क एक्सपोर्ट प्रमोशन कौंसिल, मुम्बई” को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10716/फा. सं. 197/45/97-
आयकर नि.-I]
समर भद्र, अवर सचिव

New Delhi, the 7th October, 1998
(INCOME TAX)

S.O. 1753.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Indian Silk Export Promotion Council", Mumbai for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10716/F. No. 197/45/97-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 अक्टूबर, 1998
(आयकर)

का.आ. 1754:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गांधीग्राम ट्रस्ट, गांधीग्राम" को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों 1759 GI/99—3.

के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10717/फा. सं. 197/50/98-
आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 7th October, 1998

(INCOME TAX)

S.O. 1754.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gandhigram Trust", Gandhigram for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate or for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10717/F. No. 197/50/98-ITA-I]
SAMAR BHADRA, Under Secy.

(आयकर)

नई दिल्ली, 16 अक्टूबर, 1998

का.भा. 1755:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जहांगीर आर्ट गैलरी" मुम्बई को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान भिन्न) का निवेश नहीं करेगा अथवा उस जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10727/फा. सं. 197/70/98—
आयकर नि.-I]
समर भद्र, अवर सचिव

New Delhi, the 16th October, 1998

(INCOME TAX)

S.O. 1755.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jehangir Art Gallery", Mumbai for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the

assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10727/F. No. 197/70/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 28 अक्टूबर, 1998

(आयकर)

का.भा. 1756:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "आरोविल फाउण्डेशन", आरोविल, तमिलनाडु को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10738/फा. सं. 197/38/98—
आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 28th October, 1998

(INCOME TAX)

S.O. 1756.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Auroville Foundation", Auroville, Tamil Nadu for the purpose of the said sub-clause for the assessment years 1994-1995 to 1996-1997 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(H) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10738/F. No. 197/38/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 2 नवम्बर, 1998

(आयकर)

का.आ. 1757.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “द जे.आर.डी. एण्ड थेलमा जे. टाटा ट्रस्ट”, मुंबई को कर निर्धारण वर्ष 1998-99 से 2000-01 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10741/फा. सं. 197/62/98-
आयकर नि.-I]

समर भद्र, आयकर सचिव

New Delhi the 2nd November, 1998

(INCOME TAX)

S.O. 1757.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The J.R.D. and Thelma J. Tata Trust”, Mumbai for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-01 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10741/F. No. 197/62/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 28 दिसम्बर, 1998

(आयकर)

का.आ. 1758.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “श्री काशी मठ संस्थान, मुम्बई” को 1999-2000 से 2001-2002 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की

प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐम कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10755/फा. सं. 197/34/98—
आ.क. नि.-I]

प्रोमिला भारद्वाज, उप सचिव

New Delhi, the 28th December, 1998

(INCOME TAX)

S.O. 1758.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Kashi Math Samsthan, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10755/F. No. 197/34/98-ITA-I]
PROMILA BHARDWAJ, Dy. Secy.

नई दिल्ली, 5 जनवरी, 1999

(आयकर)

का.आ. 1759.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "श्री कशी मठ समस्थान, मुंबई" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जबर्-जबाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10756/फा. सं. 197/77/98—
आ.क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 5th January, 1999

(INCOME TAX)

S.O. 1759.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Population Foundation of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10756/F. No. 197/77/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 13 जनवरी, 1999

(आयकर)

का.आ. 1760.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "जमानावास बजाज फाउंडेशन, नई दिल्ली" को 1999-2000 से 2001-2002 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में

विनिविष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान के भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हो ।

[अधिसूचना सं. 10762/फा. सं. 197/76/98

आ०क० नि.०-I]

समर भद्र, अवर सचिव

New Delhi, the 13th January, 1999

(INCOME TAX)

S.O. 1760.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jamnalal Bajaj Foundation, New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10762/F. No. 197/76/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 15 जनवरी, 1999

आयकर

का.आ. 1761.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "गुजरात पोल्युशन कंट्रोल बोर्ड, गांधी नगर" को कर निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अर्वाध के दौरान धारा 11 की उपधारा (5) में विनिविष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10765/फा. सं. 197/186/94—

आ०क० नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 15th January, 1999

(INCOME TAX)

S.O. 1761.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Gujarat Pollution Control Board", Gandhinagar for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10765/F. No. 197/186/94-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 12 फरवरी, 1999

का.आ. 1762.—आयकर अधिनियम, 1962 के नियम के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उपर्युक्त धारा के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000 के लिए "इण्डियन पब्लिक स्कूलस सोसाइटी, द दून स्कूल देहरादून" को अनुमोदित करती है ।

बशर्ते कि सोसाइटी आयकर नियम, 1962 के नियम 2ग के साथ पठित आयकर अधिनियम, 1961 की धारा 10 के खंड (23ग) के उपखंड (vi) के प्रावधानों के अनुरूप हो और उनका अनुपालन करती हो।

[अधिसूचना सं. 10794/फा. सं. 197/7/99-आई.टी. ए. I]

समर भद्र, अवर सचिव

New Delhi, the 12th February, 1999

S.O. 1762.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules, 1962, the Central Board of Direct Taxes hereby approves "Indian Public Schools Society, the Doon School, Dehra Dun", for the purpose of the said Section for the assessment year 1999-2000.

Provided that the Society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[Notification No. 10794/F. No. 197/7/99-ITA-I]
SAMAR BHANDRA, Under Secy.

नई दिल्ली, 19 फरवरी, 1999

(आयकर)

का.आ. 1763.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "प्रजापिता ब्रह्मा कुमारी ईश्वरी विश्व विद्यालय, माउंट आबू, राजस्थान" को कर निर्धारण वर्ष 1988-89 से 1990-91 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे

कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10799/फा. सं. 197/73/98-
आंक० नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 19th February, 1999

(INCOME TAX)

S.O. 1763.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu, Rajasthan" for the purpose of the said sub-clause for the assessment years 1988-89 to 1990-91 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10799/F. No. 197/73/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 फरवरी, 1999

(आयकर)

का.आ. 1764.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "प्रजापिता ब्रह्मा कुमारी ईश्वरी विश्व विद्यालय, माउंट आबू, राजस्थान" को कर निर्धारण वर्ष 1991-92 से 1993-94 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त

तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10800/फा. सं. 197/73/98—
आ.क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 19th February, 1999

(INCOME-TAX)

S.O. 1764.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu, Rajasthan for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10800/F. No. 197/73/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 फरवरी, 1999

(आयकर)

का.आ. 1765:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “प्राजापिता ब्रह्मा कुमारी ईश्वरीय विश्वविद्यालय, माउंट आबू, राजस्थान” को कर-निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है ;

- (2) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि (जैसे-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10801/फा.सं. 197/73/98—
आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 19th February, 1999

(INCOME-TAX)

S.O. 1765.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu, Rajasthan for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10801/F. No. 197/73/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 22 फरवरी, 1999

(आय कर)

का.आ. 1766 :— आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल ह्यूमन राइट्स कमिशन, नई दिल्ली" को 1997-98 से 1999-2000 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (2) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10802/फा.सं. 197/56/98—

आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 22nd February, 1999

(INCOME-TAX)

S.O. 1766.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Human Rights Commission, New Delhi" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

(Notification No. 10802/F. No. 197/56/98-ITA-I)

SAMAR BHADRA, Under Secy.

नई दिल्ली 23 फरवरी, 1999

(आयकर)

का.आ. 1767 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "नेशनल कॉन्सिल ऑफ एप्लाइड इकनॉमिक रिसर्च, नई दिल्ली" को कर-निर्धारण वर्ष 1999-2000 में 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त आय लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10803/फा सं. 197/52/

98—आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1767.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Council of Applied Economic Research (NCAER), New Delhi" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10803/F. No. 197/52/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आयकर)

का.आ. 1768 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "द इन्स्टीट्यूट ऑफ कम्पनी सेक्रेटरीज ऑफ इण्डिया, नयी दिल्ली" को कर-निर्धारण वर्ष 1998-99 से 2000-2001 के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिसके लिये इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान

से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10804/का.सं. 197/59/98-आयकर नि.-I]

समर भद्र, प्रवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1768.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Institute of Company Secretaries of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10804/F. No. 197/59/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आयकर)

का.आ. 1769 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "कृष्ण चन्द्र मेमोरियल, ट्रस्ट, उड़ीसा" को कर-निर्धारण वर्ष 1998-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;

- (2) कर-निर्धारिता ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10805/फा.सं. 197/6/99-आयकर नि. -1]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1769.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Krishna Chandra Memorial Trust, Orissa" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10805/F. No. 197/6/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आयकर)

का.आ. 1770 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल हाइवेज ऑथोरिटी ऑफ इण्डिया, भुवनेश्वर परिवहन मंत्रालय, नई दिल्ली", को कर-निर्धारण वर्ष 1995-96 से 1998-99 तक के लिए निम्न-लिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिता इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (2) कर-निर्धारिता ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक हंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10806/फा.सं. 197/120/96-आ.क.नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1770.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Highways Authority of India, Ministry of Surface Transport, New Delhi" for the purpose of the said sub-clause for the assessment years 1995-96 to 1998-99 subject to the following conditions namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10806/F. No. 197/120/96-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आयकर)

का. आ. 1771.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "मैसर्स हार्ट केयर फाउन्डेशन ऑफ इंडिया, नई दिल्ली" को कर-निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जबर-जबाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10807/का.सं. 197/
68/98—आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1771.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "M/s. Heart Care Foundation of India, New Delhi" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10807/F. No. 197/68/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आय-कर)

का. आ. 1772.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा रामाकृष्ण मिशन, पश्चिम बंगाल को 2000-2001 से 2002-2003 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

(i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है ;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबर-जबाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप

में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10808/फा.सं. 197/13/99-आ.क. नि. -I]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1772.—In exercise of the powers conferred by sub clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "RAMAKRISHNA MISSION, WEST BENGAL" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10808/F. No. 197/13/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 23 फरवरी, 1999

(आयकर)

का.आ.सं. 1773 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इंस्टीट्यूट ऑफ मार्केटिंग एंड

मैनेजमेंट, नई दिल्ली" को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करता है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तमाल अथवा उसकी आय का इस्तमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10809/फा.सं. 197/53/98-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 23rd February, 1999

(INCOME-TAX)

S.O. 1773.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "INSTITUTE OF MARKETING & MANAGEMENT, NEW DELHI" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10809/F No. 197/53/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मार्च, 1999

आयकर

का.आ. 1774 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "बी इंस्टीट्यूट ऑफ चार्टर्ड एकाउण्टेंट्स ऑफ इण्डिया नई दिल्ली" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहने हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है; अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10811/फा.सं. 197/
10/99-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 4th March, 1999

(INCOME-TAX)

S.O. 1774.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Institute of Chartered Accountants of India, New Delhi" for the purpose of the said sub-clause for the assessment

years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10811/F. No. 197/10/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मार्च, 1999

(आयकर)

का. आ. 1775 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल इंस्टीट्यूट ऑफ बैंक मैनेजमेंट मूवर्स" को कर-निर्धारण वर्ष 1997-98, 1998-99 और 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा

कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10812/फा. सं. 197/2/98-आ. क. नि.1]

समर भद्र, अवर सचिव

New Dehi, the 4th March, 1999

(INCOME-TAX)

S.O. 1775.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Institute of Bank Management, Mumbai" for the purpose of the said sub-clause for the assessment years 1997-98, 1998-99 and 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10812/F. No. 197/2/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मार्च, 1999

(आयकर)

का.आ. 1776 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "इण्डिया इन्टरनेशनल टेक्स्टाइल मशीनरी एक्जीबिशन सोसाइटी, मुम्बई" को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेलर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10813/फा. सं. 197/40/98-आयकर नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 4th March, 1999

(INCOME-TAX)

S.O. 1776.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "India International Textile Machinery Exhibition Society, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10813/F. No. 197/40/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 मार्च, 1999

(आयकर)

का. आ. 1777 :—आयकर अधिनियम, 1961 का 43 की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “सुन्दरम चैरिटीज चैरिटी” को कर निर्धारण वर्ष 1999-2000, और 2001 से 2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (ज्वेल-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10815/का. सं. 197/11/99—

आ०क० नि०-1]

समर भद्र, अवर सचिव

New Delhi, the 9th March, 1999

(INCOME-TAX)

S.O. 1777.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Sundaram Charities, Chennai” for the purpose of the said sub-clause for the assessment years 1999-2000, 2000-2001 and 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of

jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10815/F. No. 197/11/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 मार्च, 1999

(आयकर)

का. आ. 1778 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “तिरुमाला तिरुपति देवस्थानम् तिरुपति, जिला-चित्तूर, आन्ध्र प्रदेश” को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वेल-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।
- (4) कर-निर्धारिती आयकर अधिनियम 1961 के उपबंधों के अनुसार आयकर प्राधिकारी के समक्ष आय विवरणी नियमित रूप से फाइल करेगा ।

[अधिसूचना सं. 10816/का. सं. 197/12/99—

आ० क० नि०-1]

समर भद्र, अवर सचिव

New Delhi, the 9th March, 1999

(INCOME-TAX)

S.O. 1778.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Tirumala Tirupati Devasthanams, Tirupati, Chittoor Distt., Andhra Pradesh" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.
- (iv) the assessee will file regularly its return of income before the Income-tax Authority in accordance with the provisions of the Income-tax Act, 1961.

[Notification No. 10816/F. No. 197/12/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 मार्च, 1999

(आयकर)

का. भा. 1779 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा कलकत्ता पिंजरापोल सोसाइटी, कलकत्ता को कर-निर्धारण वर्ष 1994-95, 1995-96 और 1996-97 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिणी इसकी आय का हस्तमाल अथवा इसकी आय का हस्तमाल करने के लिये इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;

(2) कर-निर्धारिणी ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 के उपखण्ड (5) के अन्तर्गत विनिर्दिष्ट किसी एक या अधिक उद्देश्यों के लिये अथवा तरीकों से भिन्न तरीकों से आय को निम्नलिखित शर्तों के अधीन रखेगा (जब-जबहिरात, फनीयर आदि

के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) कानिवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार में प्राप्त लाभ तथा अभिलाष के रूप में हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिणी के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10829/का.सं. 197/116/97-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 16th March, 1999

(INCOME-TAX)

S.O. 1779.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Calcutta Pinjrapole Society, Calcutta, for the purpose of the said sub-clause for the assessment years 1994-95, 1995-96 and 1996-97 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10829/F. No. 197/116/97-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 18 मार्च, 1999

(आयकर)

का. भा. 1780 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "प्रजापिता ब्रह्मा कुमारी ईश्वरीय विश्वविद्यालय, माउंट आबू, राजस्थान" को कर निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रखेगा (जब-जबहिरात, फनीयर आदि

के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर, जवाहिरात, फर्निचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10830/फा.सं. 197/73/98-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 18th March, 1999

(INCOME-TAX)

S.O. 1780.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Prajapita Brahma Kumaris Ishwariya Vishwa Vidyalaya, Mount Abu, Rajasthan" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms of modes specified in sub section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental

to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10830/F. No. 197/73/98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 24 मार्च, 1999

आयकर

का.आ. 1781.—आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (vi-क) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा "श्री सत्य साई" मेडिकल ट्रस्ट, ब्रिन्दावन, बंगलौर को कर निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 तक के लिए उक्त धारा के प्रयोजनार्थ अनुमोदित किया जाता है:

बशर्ते कि यह संस्था आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23-ग) के उपखण्ड (vi-क) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करती हो।

[अधिसूचना सं. 10838/फा.सं. 197/1क/99-आयकर नि. I]

समर भद्र, अवर सचिव

New Delhi, the 24th March, 1999

(INCOME-TAX)

S.O. 1781.—In exercise of the powers conferred by sub-clause (via) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules, 1962, the Central Board of Direct Taxes hereby approves "Sri Sathya Sai Medical Trust, Brindaban, Bangalore" for the purpose of the said section for the assessment years 1999-2000, 2000-2001 and 2001-2002:

Provided that the society conforms to and complies with the provisions in sub-clause (via) of clause (23C) of Section 10 of the Income tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962

[Notification No. 10838/F. No. 197/1A/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 मार्च, 1999

(आयकर)

का.आ. 1782 —आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री शारदा मठ, दक्षिणेश्वर, कलकत्ता" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिये उसका

संस्थान पूर्णतया तथा अभिव्यक्तता उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि या एक से अधिक ढंग अवधि तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अवधि या किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अवधि उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 108391/फा. सं. 197/22/98-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi the 26th March, 1999

(INCOME-TAX)

S.O. 1782.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Sarda Math, Dakshineswar, Calcutta" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

Notification No. 108391/F. No. 197/22/98-ITA-II
SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 मार्च, 1999

आयकर

का.आ. 1783.—आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा "नरेन्द्र मोहन फाउन्डेशन, नई दिल्ली" को कर निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 तक के लिए उक्त धारा के प्रयोजनार्थ अनुमोदित किया जाता है:

बशर्ते कि यह संस्था आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23 ग) के उपखण्ड (vi) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करती हो।
[अधिसूचना सं. 10840/फा. सं. 197/18/99-आयकर नि. I]

समर भद्र, अवर सचिव

New Delhi, the 26th March, 1999

(INCOME-TAX)

S.O. 1783.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules, 1962, the Central Board of Direct Taxes hereby approves "Narinder Mohan Foundation, New Delhi" for the purpose of the said Section for the assessment years 1999-2000, 2000-2001 and 2001-2002 :

Provided that the Foundation conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[Notification No. 10840/F. No. 197/18/99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 31 मार्च, 1999

आयकर

का.आ. 1784.—आयकर नियमावली, 1962 के नियम 2 ग क के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा "बिरला इंस्टीट्यूट ऑफ टेक्नोलॉजी एंड साइंस, पिलानी, (राजस्थान)" को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए उक्त धारा के प्रयोजनार्थ अनुमोदित किया जाता है।

बशर्ते कि यह संस्था आयकर नियमावली, 1962 के नियम-2 ग क के साथ पठित आयकर अधिनियम 1961 की धारा 10 के खण्ड (23 ग) के उपखण्ड (vi) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करती हो।
[अधिसूचना सं. 10843/फा. सं. 197/16/99-आयकर नि. -I]

समर भद्र, अवर सचिव

New Delhi, the 31st March, 1999

(INCOME-TAX)

S.O. 1784.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the

Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules, 1962, the Central Board of Direct Taxes hereby approves "Birla Institute of Technology & Science, Pillani (Rajasthan)" for the purpose of the said section for the assessment years 1999-2000 to 2001-2002.

Provided that the Society conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961, read with rule 2CA of the Income-tax Rules, 1962.

[Notification No. 10843/F No. 197/16/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 5 अप्रैल, 1999

(आयकर)

का. आ. 1785.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री परम हंस अद्वैत मठ पब्लिकेशन सोसाइटी, नई दिल्ली" को कर निर्धारण वर्ष 1998-99, 1999-2000 और 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिता उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिये, उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिये करेगा, जिनके लिये इसकी स्थापना की गई है;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर निर्धारिता के उद्देश्यों की प्राप्ति के लिये प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10857/का.सं. 197/
2/99-आ.क.नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 5th April, 1999

(INCOME-TAX)

S.O.1785.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Param Hans Advait Math Publication Society, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99, 1999-2000 and 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10887/F. No. 197/2/99-ITA-II]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 अप्रैल, 1999

(आयकर)

का. आ. 1786.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल हार्टीकल्चर बोर्ड, गुडगांव-122015, हरियाणा" को कर निर्धारण वर्ष 1987-88 से 1989-90 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिता इसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु

के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का से निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10858/का. सं. 197/14/99-

आ. का. नि-1]

समर भद्र, अवर सचिव

New Delhi, the 6th April, 1999

(INCOME-TAX)

S.O. 1786.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Horticulture Board, Gurgaon-122015 (Haryana) for the purpose of the said sub-clause for the assessment years 1987-88 to 1989-90 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10858/F. No 197/14/99-JTA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 अप्रैल, 1999

(आयकर)

का. आ. 1787.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल हार्टिकल्चर बोर्ड, गुडगांव-122015 (हरियाणा)" को कर निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों

के अधीन रखते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल करों के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10859/का. सं. 197/14/99-

आ.क. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 6th April, 1999

(INCOME-TAX)

S.O. 1787.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Horticulture Board, Gurgaon-122015 (Haryana)" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10859/F. No. 197/14/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 अप्रैल, 1999

(आयकर)

का. आ. 1788.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल हार्टीकल्चर बोर्ड, गुडगांव-122015 (हरियाणा)" को कर निर्धारण वर्ष 1993-94 से 1995-96 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

[अधिसूचना सं. 10860/फा. सं. 197/14/99

आयकर नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 6th April, 1999

(INCOME-TAX)

S.O. 1788.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Horticulture

Board, Gurgaon-122015 (Haryana) for the purpose of the said sub-clause for the assessment years 1993-94 to 1995-96 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10860/F. No. 197/14/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 अप्रैल, 1999

(आयकर)

का. आ. 1789.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल हार्टीकल्चर बोर्ड, गुडगांव-122015 (हरियाणा)" को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिती उपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा

कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10861/फा. सं. 197/14/99-

आ. का. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 6th April, 1999

(INCOME-TAX)

S.O. 1789.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Horticulture Board, Gurgaon, -122015 (Haryana) for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10861/F. No. 197/14/99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 अप्रैल, 1999

(आय-कर)

का. आ. 1790.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दी मालोकर सिरीयन क्नानाय चर्च, कोट्टायम" को कर निर्धारण वर्ष 1996-97 से 1998-1999 तक के लिए निम्नलिखित शर्तों के अधीन

रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा इसकी आय का दुरुपयोग करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर, -जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10863/फा. सं. 197/79/98-

आयकर नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 7th April, 1999

(INCOME-TAX)

S.O. 1790.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Malankara Syrian Knanaya Church, Kottayam" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-1999 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the

assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10863/F. No. 197/79,98-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 अप्रैल, 1999

(आय-कर)

का. आ. 1791.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “लेडी टाटा मेमोरियल ट्रस्ट” को कर निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैसे-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंगदान से भिन्न) का सिवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ

तथा अभिलाभ के हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से भिन्ना-पुस्तिकाएँ नहीं रखी जाती हों ।

[अधिसूचना सं. 10866/फा. सं. 197/73/99—
आयकर नि.-I]

समर भद्र, अधीन सचिव

New Delhi, the 9th April, 1999

(INCOME TAX)

S.O. 1791.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Lady Tata Memorial Trust” for the purpose of the said sub-clause for the assessment years 1999-2000, 2000-2001 and 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10866/F. No. 197/3/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 9 अप्रैल, 1999

(आय-कर)

का. आ. 1792.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जे. आर. टी. टाटा ट्रस्ट" को कर निर्धारण वर्ष 1998-99, 1999-2000 और 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती उपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय से संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ;

[अधिसूचना सं. 10867/फा. सं. 197/4/99—
आ. का. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 9th April, 1999

(INCOME-TAX)

S.O. 1792.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "J.R.D. Tata Trust" for the purpose of the said sub-clause for the assessment years 1998-99, 1999-2000 and 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10867/F. No. 197/4/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 12 अप्रैल, 1999

(आय-कर)

का. आ. 1793.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "चिल्डरन बुक ट्रस्ट, नई दिल्ली" को कर निर्धारण वर्ष 1998-99, 1999-2000 और 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10871/फा. सं. 197/25/99—
आ. का. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 12th April, 1999

(INCOME-TAX)

S.O.1793.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Children Book Trust, New Delhi" for the purpose of the said sub-clause for the assessment years 198-99, 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10877/F. No. 197/25/99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 16 अप्रैल, 1999

(आय-कर)

का. आ. 1794.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "मध्यप्रदेश महिला कल्याण समिति, भोपाल" को कर निर्धारण वर्ष 1999-2000 से 2001-02 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती उपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक अधिक तंग अथवा तरीकों से भिन्न तरीकों इसकी निधि (जिबर-अवाहिरात, फनीधर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न)

का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग लेखा-पुस्तिकाएँ नहीं रखी जाती हों ।

[अधिसूचना सं. 10877/फा. सं. 197/21/99-
आयकर नि.-I]

समर भद्र, अवसर सचिव

New Delhi, the 16th April, 1999

(INCOME-TAX)

S.O. 1794.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Madhya Pradesh Mahila Kalyan Samiti, Bhopal" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10877/F. No. 197/21/99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 अप्रैल, 1999

(आय-कर)

का. आ. 1795.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारतीय विद्यार्थी भवन, मुंबई" को कर निर्धारण वर्ष 1999-2000 से 2001-02

तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों अथवा तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10879/फा. सं. 197/29/99—
आ. क. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 26 April, 1999

(INCOME-TAX)

S.O. 1795.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bharatiya Vidya Bhavan, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10879/F. No. 197/29/99/ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 26 अप्रैल, 1999

(आयकर)

फा. आ. 1796.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नाथद्वारा टेम्पल बोर्ड, राजस्थान को कर निर्धारण वर्ष 1999-2000 से 2001-02 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसी कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10880/फा. सं. 197/19/99—
आयकर नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 26th April, 1999

(INCOME TAX)

S.O. 1796.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Nathdwara Temple

Board, Rajasthan" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business in incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10880/F. No. 197/1999-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 3 मई, 1999

(आयकर)

का. आ. 1797.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इन्स्टीट्यूट ऑफ फ्रांसिस्कन मिशनरीज ऑफ मेरी सोसाइटी नं. 10 कोयम्बटूर" को कर निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जबकि जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वीकृत अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त

लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर निर्धारिती के उद्देश्य की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10882/फा. सं. 197/80/98—
आ. क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 3rd May, 1999

(INCOME-TAX)

S.O. 1797.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Institute of Franciscan Missionaries of Mary Society No. 10, Coimbatore" for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business; unless the business in incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10882/F. No. 197/80/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मई, 1999

(आयकर)

का. आ. 1798.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री रामानसरोमम् तिरुवनलाई तमिलनाडु" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (2) कर निर्धारिती ऊपर-उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में न हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10889/फा. सं. 197/46/99—
आयकर नि-1]

समर भद्र, अवर सचिव

New Delhi, the 4th May, 1999

(INCOME TAX)

S.O. 1798.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Ramanasramam, Thiruvannamalai, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10889/F. No. 197/36/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मई, 1999

(आयकर)

का. आ. 1799.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "व थियोसोफिकल सोसायटी, चेन्नई" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वीच्छक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में न हो जब तक कि ऐसा कारोबार उक्त-कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10890/फा. सं. 197/35/99—आयकर
नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 4th May, 1999

(INCOME-TAX)

S.O. 1799.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Theosophical Society, Chennai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for applications, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the

assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10890/F. No. 197/35/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 4 मई, 1999

(आय-कर)

का. आ. 1800.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जगद्गुरु श्री शंकराचार्य स्वामीगल श्रीमतम संमस्यानम, तमिलनाडु" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10891/का. सं. 197/31/99—आ.

क. नि.—I]

समर भद्र, अवर सचिव

New Delhi, the 4th May, 1999

(INCOME-TAX)

S.O. 1800.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Jagadguru Sri Sankaracharya Swamigal Srimatam Samasthanam, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10891/F. No. 197/31/99-ITA-I]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 5 मई, 1999

(आय-कर)

का. आ. 1801.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "तिविल सविसेज ऑफिसर्स इन्स्टीट्यूट, नई दिल्ली" को कर निर्धारण वर्ष 1998-99 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10892/फा. सं. 197/30/99—आ.
क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 5th May, 1999

(INCOME-TAX)

S.O. 1801.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies "Civil Services Officers' Institute, New Delhi" for the purpose of the said-clause for the assessment years 1998-99 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10892/F. No. 197/30/99-ITA-II
SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 मई, 1949

(आय-कर)

का. आ. 1802.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "खेलघर, पालम एवेन्यू, कलकत्ता" को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए

उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (ii) कर निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेंवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रखा-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10893/फा. सं. 197/65/97—आ.
क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 6th May, 1999

(INCOME-TAX)

S.O. 1802.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Khelaghar, Palm Avenue, Calcutta" for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10893/F. No. 197/65/97-ITA-II
SAMAR BHADRA, Under Secy.

नई दिल्ली, 6 मई, 1999

(आय-कर)

का. आ. 1803.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "सर दोराबजी टाटा ट्रस्ट, मुम्बई" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का हस्तेमाल अथवा उसकी आय का हस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों; जब तक कि ऐसा कारोबार उक्त-कर निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10894/फा. सं. 197/5/99—आ. क. नि. —1]

समर भद्र, अवर सचिव

New Delhi, the 6th May, 1999

(INCOME-TAX)

S.O. 1803.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sir Dorabji Tata Trust, Mumbai" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10894/F. No. 197/5/99-ITA-II]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 7 मई, 1999

(आयकर)

का. आ. 1804.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उप-खण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग हुए केन्द्रीय सरकार एतद्वारा "बोधासवासी श्री अक्षर पुरुषोत्तम संस्था, ग्रहमवादाद" को कर निर्धारण वर्ष 1999-2000 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ।

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ।

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10898/फा. सं. 197/9/98—आ. क. नि. —1]

समर भद्र, अवर सचिव

New Delhi, the 7th May, 1999

(INCOME-TAX)

S.O. 1804.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bochasanwasi Shri Akshar Purushottam Sanstha, Ahmedabad" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10898/F. No. 197/8/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली 10, मई, 1999

(आयकर)

का.आ. 1805:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "द एनी बेसन्त ट्रस्ट" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती उपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान

से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हूँ तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10899/फा. सं. 197/42/99-आयकर
नि.—I]

समर भद्र, अवर सचिव

New Delhi, the 10th May, 1999

(INCOME-TAX)

S.O. 1805.—In exercise the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961) the Central Government hereby notifies "The Annie Besant Trust" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-clause (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10899/F. No. 197/42/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 10 मई, 1999

(आयकर)

का.आ. 1806:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारत सेवाश्रम संघ कलकत्ता" को कर-निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (ii) कर-निर्धारिता ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10900/फा. सं. 197/27/99-आ.

क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 10th May, 1999

(INCOME-TAX)

S.O. 1806.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bharat Seva-shram Sangha, Calcutta" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10900/F. No. 197/27/99-ITA-II
SAMAR BHADRA, Under Secy.

नई दिल्ली, 10 मई, 1999

(आयकर)

का. आ. 1807:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "रामाकृष्ण बेलूर मठ, पश्चिम बंगाल" को कर निर्धारण वर्ष 2000-2001 से 2002-2003 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहने हुए, उक्त उप-खण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (ज्वर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10901/फा. सं. 197/37/99-आ.

क. नि.-I]

समर भद्र, अवर सचिव

New Delhi, the 10th May, 1999

(INCOME-TAX)

S.O. 1807.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ramakrishna Math, Belure Math, West Bengal" for the purpose of the said sub-clause for the assessment years 2000-2001 to 2002-2003 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of

jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-clause (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10901/F. No. 197/37/99-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 11 मई, 1999

(आयकर)

का. आ. 1808:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "श्री सिद्धगंगा मठ तुमकूर, कर्नाटक" को कर निर्धारण वर्ष 1996-97, 1997-98 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए, उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिता उसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर निर्धारिता ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इस निधि (जवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10903/ का. सं. 197/119/99-आ.
क. नि.-1]

समर भद्र, अवर सचिव

New Delhi, the 11th May, 1999

(INCOME-TAX)

S.O. 1808.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sree Siddhaganga Mutt, Tumkur (Karnataka)" for the purpose of the said sub-clause for the assessment years 1996-97, 1997-98 to 1998-99 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-clause (5) of Section 11;

- (iii) this notification will not apply in relation to any income being profits and gains of business unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10903/F. No. 197/119/97-ITA-1]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 12 मई, 1999

(आयकर)

का. आ. 1809:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "पीपल्स एक्शन फार डेवलपमेंट, मम्बई" को कर निर्धारण वर्ष 1997-98, 1998-99 और 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (i) कर-निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्ततया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जवर, जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार जान-कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10922/फा. सं. 197/115/99-अ.
क. नि. -I]

समर भद्र, अवर सचिव

New Delhi, the 12th May, 1999

(INCOME-TAX)

S.O. 1809.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "People's Action for Development, Mumbai" for the purpose of the said sub-clause for the assessment years 1997-98, 1998-99 and 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10922 F. No. 197/15 99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 17 मई, 1999

(आय कर)

का.आ. 1810:—आयकर अधिनियम, 1962 के नियम 2गक के साथ पठित आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा "पी डब्ल्यू डी कॉलेज, इन्दौर" को उक्त धारा के प्रयोजनार्थ कर निर्धारण वर्ष 1999-2000, 2000-2001 और 2001-2002 के लिए अनुमोदित करना है :

यद्यपि कि कॉलेज आयकर विधेयक, 1962 के नियम 2ग क के साथ पठित आयकर अधिनियम, 1961 की धारा

10 के खंड (23ग) के उपखंड (vi) के प्रावधानों के अनुरूप हो और उनका अनुपालन करता हो।

[अधिसूचना सं. 10928/फा. सं. 197/23/99-आयकर नि.]

समर भद्र, अवर सचिव

New Delhi, the 17th May, 1999

(INCOME-TAX)

S.O. 1810.—In exercise of the powers conferred by sub-clause (vi) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), read with rule 2CA of the Income-tax Rules 1962, the Central Board of Direct Taxes hereby approves "The Daly College, Indore", for the purpose of the said section for the assessment years 1999-2000, 2000-2001 and 2001-2002 :

Provided that the College conforms to and complies with the provisions of sub-clause (vi) of clause (23C) of section 10 of the Income-tax Act, 1961, read with rule 2 CA of the Income-tax Rules, 1962.

[Notification No. 10928 F. No. 197/23/99-ITA-II]

SAMAR BHADRA, Under Secy.

नई दिल्ली, 18 मई, 1999

(आयकर)

का.आ. 1811:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "अपेक्षा ट्रस्ट, हरियाणा" को कर निर्धारण वर्ष 1997-98 से 1999-2000 तक के लिए निम्नलिखित शर्तों के अधीन रखते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिता ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक तंत्र अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेंचर, जवाहिरात, फर्निचर अथवा भित्ति-चित्र के रूप में प्राप्त तथा रखरखाव में स्वैच्छिक योगदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों, जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता

उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10930/फा. सं. 197/45/99—आ.क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 18th May, 1999

(INCOME-TAX)

S.O. 1811.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arpana Trust, Haryana" for the purpose of the said sub-clause for the assessment years 1997-98 to 1999-2000 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10930/F. No. 197/45/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 19 मई, 1999

(आयकर)

का.आ. 1812.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "श्री जैन श्वेताम्बर नाकोदा पर्सवानाथ तीर्थ सेवा-नगर (राजस्थान)" को करनिर्धारण वर्ष 1996-97, 1997-98 और 1998-1999 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिणी उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए इसका

संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (ii) कर-निर्धारिणी ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों में उसकी निधि जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार में प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त करनिर्धारिणी के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 1093/फा. सं. 197/48/99—आ.क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 19th May, 1999

(INCOME-TAX)

S.O. 1812.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Jain Swetamber Nakoda Parswanath Tirth, Mewanagar (Rajasthan)" for the purpose of the said sub-clause for the assessment years 1996-97, 1997-98 and 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts

are maintained in respect of such business.

[Notification No. 10932/F. No. 197/48/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 21 मई, 1999

(आयकर)

का.आ. 1813.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा ("युग निर्माण ट्रस्ट, मथुरा" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्न लिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (2) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब कि कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 10934/फा. सं. 197/47/99—आ. क. नि.—1)

New Delhi, the 21st May, 1999

(INCOME-TAX)

S.O. 1813.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Yug Nirman Trust, Mathura" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 ;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10934/F. No. 197/47/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 25 मई, 1999

(आयकर)

का.आ. 1814.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "स्वामी नारायण अक्षरपीठ, अहमदाबाद" को कर निर्धारण वर्ष 1999-2000 से 2001-2002 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

(ii) कर निर्धारिती ऊपर उल्लिखित कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिर फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा, अथवा उसे जमा नहीं करवा सकेगा ;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ हो, जब तक कि ऐसे कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार

के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10938/फा. सं. 197/9/99—आ. क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 25th May, 1999

(INCOME-TAX)

S.O. 1814.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Swaminarayan Aksharapith, Ahmedabad" for the purpose of the said sub-clause for the assessment years 1999-2000 to 2001-2002 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10938/F. No. 197/9/99-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 28 मई, 1999

(आयकर)

का.आ. 1815.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "तिब्बेत होम्स फाउंडेशन, न्यूरो आफ हिज होलिनेस द दलाई लामा नई दिल्ली" को कर निर्धारण वर्ष 1998-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसकी संकेत पूर्णतया तथा अनन्यतया

उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;

- (2) कर निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संघत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों में भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 10939/फा. सं. 197/58/98—आ. क. नि.—1]

समर भद्र, अवर सचिव

New Delhi, the 28th May, 1999

(INCOME-TAX)

S.O. 1815.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Tibetan Himes Foundation, Bureau of His Holiness the Dalai Lama, New Delhi" for the purpose of the said sub-clause for the assessment years 1998-99 to 2000-2001 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10939/F. No. 197/58/98-ITA-I]
SAMAR BHADRA, Under Secy.

नई दिल्ली, 28 मई, 1999

(आयकर)

का.आ. 1816.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दहेज निवारण एवं समाज कल्याण परिषद् एटावा, उत्तर प्रदेश" को कर निर्धारण वर्ष 1989-99 से 2000-2001 तक के लिए निम्नलिखित शर्तों के लिए अधिधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् —

- (i) कर-निर्धारिता उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अन्त्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (ii) कर निर्धारिता ऊपर उल्लिखित कर निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक उक्त अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जोबर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु के रूप में प्राप्त तथा रख-रखाव में स्थैतिक अणुमान से भिन्न) का निवेण नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त-कर निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों ।

[अधिसूचना सं. 10940/फा. सं. 197/55/98—अ. क. नि. —I]

समर भद्र, अवग सचिव

New Delhi, the 28th May, 1999

(INCOME-TAX)

S.O. 1816.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Dahej Niwaran Avam Samaj Kalyan Parishad, Etawah, U.P." for the purpose of the said sub-clause for the assessment years 1988-99 to 2000-2001 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions

received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11 ;

- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 10940/F. No. 197/55/98-ITA-I]
SAMAR BHADRA, Under Secy.

सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय
कोयम्बतूर, 2 जून, 1999

सं. 4/99—सीमा शुल्क (एन.टी.)

का.आ. 1817.—सीमा शुल्क अधिनियम 1962 की धारा 152 खण्ड (ए) के अंतर्गत भारत सरकार, वित्त मंत्रालय, राजस्व विभाग, नई दिल्ली के दिनांक 1 जुलाई, 1994 के अधिसूचना संख्या 33/94 सीमा शुल्क (एन.टी.) के अधिनियम अधोहस्ताक्षरित को प्रत्यायोजित शक्तियों का प्रयोग करने हुए मैं, ए.के. मेहता, आयुक्त, सीमा शुल्क एवं केन्द्रीय उत्पाद शुल्क, कोयम्बतूर एतद्वारा तमिलनाडु राज्य, कोयम्बतूर जिला, पल्लडम तालुक के 24 इच्छिपट्टि ग्राम में स्थित कोम्बक्काडु को सीमा शुल्क अधिनियम 1962 की धारा 9 के अंतर्गत 100% निर्यात-तन्मुख एकक (ई.ओ.यू.) के गठन के उद्देश्य से भांडागारण स्टेशन के रूप में घोषित करता हूँ। जैसा कि वाणिज्य मंत्रालय, मद्रास निर्यात प्रक्रिया श्रेष्ठ, चेन्नई-600 045 द्वारा प्रमाणित है ।

[फायर सं. VIII/40/05/99-सीमा शुल्क-नीति]

ए.के. मेहता, आयुक्त

OFFICE OF THE COMMISSIONER OF
CUSTOMS AND CENTRAL EXCISE

Coimbatore, the 2nd June, 1999

No. 04/99 CUSTOMS (NT)

S.O. 1817.—In exercise of the powers delegated to the undersigned vide Notification No. 33/94-Cus. (NT) dated 1st July, 1994 by the Government of India, Ministry of Finance, Department of Revenue, New Delhi under clause (a) of Section 152 of the Customs Act, 1962, I, A. K. Mehta, Commissioner of Customs and Central Excise, Coimbatore, hereby declares Kombakkadu in 24 Ichipatti Village, Palladam Taluk, Coimbatore District, State of Tamilnadu, to be a warehousing station under Section 9 of the Customs Act, 1962 for the purpose of setting up of 100 per cent Export Oriented Unit, as approved by the Ministry of Commerce, Madras Export Processing Zone, Chennai-600045.

[F. C. No. VIII/40/05/99-CUS. POL.]

A. K. MEHTA, Commissioner

आदेश

नई दिल्ली, 2 जून, 1999

स्टाम्प

ORDER

New Delhi the 10th June, 1999

STAMPS

का.आ. 1818— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा आन्ध्र बैंक, हैदराबाद को मात्र एक करोड़ पचास लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए गए मात्र एक सौ पचास करोड़ रुपये के समग्र मूल्य के एक एक लाख रुपये के प्रॉमिसरी नोटों के स्वरूप वाले असुरक्षित, अपरिवर्तनीय, विमोच्य बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 25/99-स्टा.फा.म. 33/33/99-वि.क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 2nd June, 1999

STAMPS

S.O. 1818.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Andhra Bank, Hyderabad to pay consolidated stamp duty of rupees one crore fifty lakh on Unsecured Non-Convertible Redeemable Subordinated bonds in the name of Promissory Notes of rupees one lakh each aggregating to rupees one hundred fifty crore only issued by the said Bank.

[No. 25/99-STAMPS/F. No. 33/33/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 10 जून, 1999

स्टाम्प

का.आ. 1819— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा मै. पावर फाइनेन्स कॉर्पोरेशन लिमिटेड, नई दिल्ली को मात्र एक करोड़ पचास लाख और पचास हजार रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किये किए गए मात्र एक सौ पचास करोड़ और पचास लाख रुपये के समग्र मूल्य के 00000001 से 00015050 तक की विशिष्ट संख्या वाले प्रत्येक एक-एक लाख रुपये के प्रॉमिसरी नोटों के स्वरूप वाले (2008)-1 शृंखला (ट्रांश I से VI) असुरक्षित, विमोच्य, अपरिवर्तनीय बंधपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 27/99-स्टा.फा.सं. 33/31/99-वि.क.]

अपर्णा शर्मा, अवर सचिव

S.O. 1819.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Power Finance Corporation Limited, New Delhi to pay consolidated stamp duty of rupees one crore fifty lakh and fifty thousand only chargeable on account of the stamp duty on unsecured, redeemable, non-convertible bonds 2008)—1 series (Tranche I to VI) in the nature of Promissory Notes of rupees one lakh each bearing distinctive numbers from 00000001 to 00015050 aggregating to rupees one hundred fifty crore and fifty lakh only to be issued by the said company.

[No. 27/99-Stamps/F. No. 33/31/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 14 जून 1999

स्टाम्प

का.आ. 1820— भारतीय स्टाम्प अधिनियम 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा मै. आई.सी.आई.सी.आई. लिमिटेड मुम्बई को मात्र तीन करोड़ अठहत्तर लाख नौ सौ चालीस रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए गए निम्न प्रकार से वर्णित डिबेंचरों के स्वरूप वाले बन्धपत्रों पर स्टाम्प शुल्क के कारण प्रभावी है।

(क) मात्र चौरानवे लाख पच्चीस हजार रुपये के रुपये समग्र मूल्य के 1 से 3770 तक की विशिष्ट संख्या वाले प्रत्येक दो हजार पांच सौ रुपये वाले आई.सी.आई.सी.आई. संगम किशतों वाले बन्धपत्र;

(ख) मात्र चौबीस करोड़ पचास लाख और पच्चीस हजार रुपये के समग्र मूल्य के 1 से 49005 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. तकदी बन्धपत्र;

(ग) मात्र बानवे करोड़ इक्कीस लाख और पन्द्रह हजार रुपये के समग्र मूल्य के 1 से 184423 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. कर/वचन बन्धपत्र (विकल्प i);

(घ) मात्र इक्यावन करोड़ तैतीस लाख और बीस हजार रुपये के समग्र मूल्य के 1 से 102664 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. कर वचन बन्धपत्र (विकल्प ii);

(ड) मात्र पैंसठ करोड़ बत्तीस लाख और पांच हजार रुपये के समग्र मूल्य के 1 से 130641 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. कर बचत बन्ध-पत्र (विकल्प iii);

(च) मात्र अड़तीस करोड़ पचासी लाख और पचासी हजार रुपये के समग्र मूल्य के 1 से 77717 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. नियमित आय बन्धपत्र (विकल्प-i);

(छ) मात्र अठारह करोड़ बारह लाख और पचपन हजार रुपये के समग्र मूल्य के 1 से 36251 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. नियमित आय बन्धपत्र (विकल्प ii);

(ज) मात्र पैंतालीस करोड़ ग्यारह लाख और पैंतीस हजार रुपये के समग्र मूल्य के 1 से 90227 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. नियमित आय बन्धपत्र (विकल्प iii);

(झ) मात्र एक सौ एक करोड़ चौवन लाख और पचास हजार रुपये के समग्र मूल्य के 1 से 203090 तक की विशिष्ट संख्या वाले प्रत्येक पांच हजार रुपये के आई.सी.आई.सी.आई. नियमित आय बन्धपत्र (विकल्प iv);

(ञ) मात्र बावन करोड़ उनहत्तर लाख और छिया-नवे हजार रुपये के समग्र मूल्य के 1 से 131749 तक की विशिष्ट सं. वाले प्रत्येक चार हजार रुपये के आई.सी.आई.सी.आई. मनी मल्टीप्लायर बन्धपत्र (विकल्प i);

(ट) मात्र दस करोड़ चौगुनी लाख पांच हजार और पांच सौ रुपये के समग्र मूल्य के 1 से 23065 तक की विशिष्ट संख्या वाले प्रत्येक चार हजार सात सौ रुपये के आई.सी.आई.सी.आई. मनी मल्टीप्लायर बन्धपत्र (विकल्प -ii)।

[सं. 29/99-स्टा.फा.सं. 33/13/99-बि.क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 14th June, 1999

STAMPS

S.O. 1820.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permit M/s. ICICI Limited, Mumbai to pay consolidated stamp duty of rupees three crore seventy eighth lakh twenty 1759 GI/99—8

three thousand nine hundred forty only chargeable
on account of the stamp duty on bonds in the nature of Debentures described as :

(a) ICICI Easy Instalment Bond of rupees two thousand five hundred each bearing distinctive numbers from 1 to 3770 aggregating to rupees ninety four lakh twenty five thousand only;

(b) ICICI Encash Bond of rupees five thousand each bearing distinctive numbers from 1 to 49005 aggregating to rupees twenty four crore fifty lakh and twenty five thousand only;

(c) ICICI Tax Saving Bond (Option-I) of rupees five thousand each bearing distinctive numbers from 1 to 184423 aggregating to rupees ninety two crore twenty one lakh and fifteen thousand only ;

(d) ICICI Tax Saving Bond (Option-II) of rupees five thousand each bearing distinctive numbers from 1 to 102664 aggregating to rupees fifty one crore thirty three lakh and twenty thousand only;

(e) ICICI Tax Saving Bond (Option-III) of rupees five thousand each bearing distinctive numbers from 1 to 130641 aggregating to rupees sixty five crore thirty two lakh and five thousand only;

(f) ICICI Regular Income Bond (Option-I) of rupees five thousand each bearing distinctive numbers from 1 to 77717 aggregating to rupees thirty eight crore eighty five lakh and eighty five thousand only;

(g) ICICI Regular Income Bond (Option-II) of rupees five thousand each bearing distinctive numbers from 1 to 36251 aggregating to rupees eighteen crore twelve lakh and fifty five thousand only;

(h) ICICI Regular Income Bond (Option-III) of rupees five thousand each bearing distinctive numbers from 1 to 90227 aggregating to rupees forty five crore eleven lakh and thirty five thousand only;

(i) ICICI Regular Income Bond (Option-IV) of rupees five thousand each bearing distinctive numbers from 1 to 203090 aggregating to rupees one hundred one crores fifty four lakh and fifty thousand only;

(j) ICICI Money Multiplier Bond (Option-I) of rupees four thousand each bearing distinctive numbers from 1 to 131749

aggregating to rupees fifty two crore sixty nine lakh and ninety six thousand only; and

- (k) ICICI Money Multiplier Bond (Option-II) of rupees four thousand seven hundred each bearing distinctive numbers from 1 to 23065 aggregating to rupees ten crore eighty four lakh five thousand and five hundred only.

issued by the said company.

[No. 29/99-STAMP/F. No. 33/13/99-ST]

APARNA SHARMA, Under Secy.

आदेश

नई दिल्ली, 18 जून, 1999

स्टाम्प

का.आ. 1821:— भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा मैं. भारतीय लघु उद्योग विकास बैंक, मुम्बई को मात्र पचास लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति प्रदान करती है, जो उक्त बैंक द्वारा जारी किए गए मात्र इक्कीस करोड़ रुपये के समग्र मूल्य के 1 से 17 तक विशिष्ट संख्या वाले प्रोमिसरी नोटों के स्वरूप वाले 12.30% भा.ल.उ.वि. बैं. बन्धपत्र-2009 (9वीं श्रृंखला) तथा मात्र उत्तीस करोड़ रुपये के समग्र मूल्य के 1 से 19 तक की विशिष्ट संख्या वाले धारिता के प्रमाण-पत्र के स्वरूप वाले 12.30% भा. ल. उ. वि. बैं. बन्धपत्र-2009 (9वीं श्रृंखला) पर स्टाम्प शुल्क के कारण प्रभावी है।

[सं. 30/99-स्टाम्प./फा सं. 33/35/99-वि.क.]

अपर्णा शर्मा, अवर सचिव

ORDER

New Delhi, the 18th June, 1999

STAMPS

S.O. 1821.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits M/s. Small Industries Development Bank of India, Mumbai to pay consolidated stamp duty of rupees fifty lakh only chargeable on account of stamp duty on 12.30 per cent SIDBI BONDS-2009 (9th Series) in the nature of promissory notes bearing distinctive

numbers from 1 to 17 aggregating to rupees twenty one crores only and 12.30 per cent SIDBI BONDS-2009 (9th Series) in the nature of Certificate of Holding bearing distinctive numbers from 1 to 19 aggregating to rupees twenty nine crores only to be issued by the said Bank.

[No. 30/99-STAMP/F. No. 33/35/99-ST]

APARNA SHARMA, Under Secy.

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 9 जून, 1999

आयकर

का.आ. 1822:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80 छ की उप-धारा (2) के खण्ड (ख) द्वारा प्राप्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा सम्पूर्ण केरल राज्य में प्रसिद्ध सार्वजनिक पूजा स्थल होने के कारण "थुरावूर महाक्षेत्रम्" थुरावूर, केरल को उक्त धारा के प्रयोजनार्थ विनिविष्ट करती है।

यह अधिसूचना 80,00,000-रु. (अस्सी लाख रूप मात्र) की सीमा तक मरम्मत/पुनर्निर्माण कार्य के लिए वैध रहेगा और 31-3-2002 के बाद समाप्त हो जाएगी।

[अधिसूचना सं. 10963/फा.सं. 176/3/99-आ.क.नि.1]

समर भद्र, अवर सचिव.

(Central Board of Direct Taxes)

New Delhi, the 9th June, 1999

(INCOME-TAX)

S.O. 1822.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies "Thuravoor Mahakshethram", Thuravoor, Kerala to be a place of public worship of renown throughout the State of Kerala for the purpose of the said Section.

This notification will be valid only for the repair/renovation work to the extent of Rs. 80,00,000/- (Rupees eighty lakhs only) and will cease to be effective after 31-3-2002.

[Notification No. 10953/F. No. 176/3/99-ITA-1]

SAMAR BHADRA, Under Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

भारतीय मानक ब्यूरो

नई दिल्ली, 14 जून, 1999

का. आ. 1823 :—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	स्वीकृत करने की तिथि वर्ष/माह	लाइसेंसधारी का नाम व पता	शीर्षक भारतीय मानक	भारतीय मानक सं./भाग/अनुभाग वर्ष
(1)	(2)	(3)	(4)	(5)	(6)
1.	5068766	96/10	एम. ई. एक्स-रे (इंडिया) प्रा. लि., डायमंड हारबोर रोड, हंसपकूरिया, पी. ओ. जोका, 24 परगना (ब.) पश्चिम बंगाल 743 512	चिकित्सीय विद्युत् उपस्कर नैवानिक एक्स-रे उपस्कर	आईएस 0762 : 86 भाग 01
2.	5068261	96/10	न्यू वुड बोर्ड्स (प्रा) लि., 5 मेहर अली लेन, कलकत्ता 700 015	लकड़ी के सपाट दरवाजे के शटर (ढोस और प्रकार) भाग 1 प्लाइवुड सतहयुक्त पल्ले	आईएस 02202 : 91 भाग 01
3.	5065861	98/10	असम कन्डक्टर्स एण्ड ट्यूब्स प्रा. लि., पी. ओ. बामुनि मैदान, गुवाहाटी 781 021	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम के चालक	आईएस 00398 : 76 भाग 01
4.	5068362	96/10	गणपति पैकिंग इंडस्ट्रीज, 493 जी. टी. रोड सिबपुर, हवड़ा	उर्वरक पैकिंग के लिए पटसन के कट्टे	आईएस 07406 : 84 भाग 02
5.	6111544	96/10	लारसन एंड टूओ लि., मैलाम रोड, सेदुरापेट, पांडिचेरी 605 111	कंक्रीट प्रबलन के लिये उच्च सामर्थ्य विन्यासित इस्पात सरिण और तार	आईएस 01786 : 85
6.	6114146	96/10	मदुरै सीमेंट्स (प्रा) लि., बी—9, सिपकोट काम्पलेक्स, माना, मदुरै 623 606	पोर्टलैंड पोर्जोलाना सीमेंट भाग 1 प्लाइएश आधारित	आईएस 01489 : 91 भाग 01
7.	6112950	96/10	वेंकटेश्वर कंस्ट्रूट्स प्रा. लि., एफ—20 सिपकोट इंडस्ट्रियल काम्पलेक्स, गुवाइडीपोडी, 601 201	मृदु इस्पात की नालियां नालिका- कार सामग्रियां तथा पिटवां इस्पात की अन्य फिटिंग	आईएस 01239 : 90 भाग 01
8.	6112041	96/10	मांडर्न स्टील एण्ड वायर प्रोडक्ट्स, 238, मालु नगर, जम्बुटी रोड, नवेज क्रॉस पी. ओ., बेलगाम	पूर्व प्रतिबलित कंक्रीट के लिए बिना लेपित प्रतिबल मुक्त तार	आईएस 06006 : 83

(1)	(2)	(3)	(4)	(5)	(6)
9.	6112546	96/10	वर्मा केवलस प्रा. लि., 65, ए-2, हुटागल्ली इंडस्ट्रियल एरिया, डीआई सी लेआउट, मैसूर 571 186	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	आईएस 00694 : 90
10.	6112849	96/10	एरोमेटिक केमिकल एण्ड ऑयल क० प्रा. लि., डी-7, डी-8, इंड. एस्टेट, विशाखापटनम 530007	संश्लिष्ट खाद्य रंग—निमित्तियां और मिश्रण	आईएस 05346 : 75
11.	6113548	96/10	गिल्डा फाउन्ड्री वर्क्स, अरसापल्ली, निजामाबाद 503 001	एस्बेस्टास सीमेंट दाब पाइपों के साथ अलग हो सकने वाले ढलवां लोहे के जोड़	आईएस 08794 : 88
12.	6112243	96/10	जनरल सीविंग मशीन वर्क्स, 1-7-177 बकरम, हैदराबाद जिला 500048	घरेलू सिलाई मशीन—सामान्य अपेक्षाएं	आईएस 01610 : 89
13.	6113144	96/10	एस. बी. इंडस्ट्रीज, एस. नं. 3/ए एण्ड 4/ए, कोम्मगुडा, असिफाबाद, आदिलाबाद जिला	43 ग्रेड साधारण पोर्टलैंड सीमेंट	आईएस 08112 : 89
14.	6113750	96/10	साई सीमेंट फैक्टरी अवनापलम गांव, कोठाहवल्सा मंडल, विजयानगरम जिला	पोर्टलैंड स्लेग सीमेंट	आईएस 00455 : 89
15.	6112748	96/10	हिन्दुस्तान मेटल इंडस्ट्रीज, ए 9, इंड. एस्टेट, मौलाली, हैदराबाद 500 040	एस्बेस्टास सीमेंट दाब पाइपों के साथ प्रयुक्त अलग हो सकने वाले ढलवां लोहे के जोड़	आईएस 08794 : 88
16.	6112142	96/10	कृषि पेस्ट्रोसाइड्स प्रा. लि., राघवापूर गांव बीबीनगर मंडल, नलगोंडा जिला	क्लोरोपाइरीफॉस पायसनीय सांद्र	आईएस 08944 : 78
17.	6112647	96/10	भारवा एग्रो इंजीनियरिंग प्रॉडक्ट्स 189, प्लासी लेन, वांनपल्ली, हैदराबाद, सिकन्दराबाद 500 011	एस्बेस्टास सीमेंट दाब पाइपों के साथ प्रयुक्त अलग हो सकने वाले ढलवां लोहे के जोड़	आईएस 08794 : 88
18.	6111847	96/10	जे. सी. स्टील्स एण्ड एल्युमी- नियम इंड., एनपी 7/936, इंडस्ट्रियल एस्टेट, पम्पनामूबै, तिरुवनन्तपुर 695 019	शिरोपरि प्रेषण कार्यों के लिए एल्युमीनियम चालक	आईएस 00398 : 76 भाग 01
19.	6112344	96/10	स्टील काम्पलेक्स लि., पी. वी. नं. 42, विस्को नगर, फेरोकी, कालीकट 673 631	संरचना इस्पात में बेलन हेतु ढलवां बुलट इंगट और सतत ढले ब्लेड	आईएस 06915 : 78

(1)	(2)	(3)	(4)	(5)	(6)
20.	6111948	96/10	जे. सी. स्टोल्स एण्ड एल्युमीनियम इंड. एनपी 7/936 इंडस्ट्रियल एस्टेट, पट्टनामकोडे तिरुवनन्तपुरम 695 019	शिरोपरि प्रेषण कार्य के लिए एल्युमीनियम के चालक	आईएस 00398 : 76 भाग 02
21.	6113043	96/09	स्टार रिफाइनरीज प्रा. लि., बी/362-365, स्टार एग्रो कॉम्पलेक्स, इंडस्ट्रियल एस्टेट, ईडामार, बीनानीपुरम पो. ओ., अलवा, अर्नाकुलम 683 502	वनस्पति पैकिंग के लिए नम्य पैकेज बन्दी सामग्रियां	आईएस 11352 : 85
22.	7115557	96/10	डिग्मास्त स्टील इंडस्ट्रीज एण्ड इंजी. वर्क्स, प्लॉट नं. 8 एवं 27, ईस्टर्न इंड. एस्टेट, कलमना, नागपुर 440 008	कंक्रीट प्रबलन के लिये उच्च सामर्थ्य	आईएस 01786 : 85
23.	7115759	96/10	एवरेक्स (फायर प्रॉटेक्शन) इंडस्ट्रीज, 18, शरद इंड. एस्टेट, एफ बिल्डिंग, लेक रोड, मुम्बई	अग्निशामक यंत्र, रासायनिक फेन वाले सुबाह्य	आईएस 00933 : 89
24.	7116761	96/10	मन्द्रा एग्रो प्लास्ट इंड. लि., जी-125 एवं जी-126 एमआई डीसी जलगांव 425 003	पेयजल आपूर्ति के लिये गैर प्लास्टिकृत पीवीसी पाइप	आईएस 04985 : 88
25.	7117056	96/10	रोज सीमेंट कं. प्रा. लि., सर्वे नं. 334, भिवण्डी वाड़ा रोड, गांव नारे, पोस्ट कुडस, तालुक वाड़ा, थाणे जिला	43 ग्रेड साधारण पोर्ट लैंड सीमेंट	आईएस 08112 : 89
26.	7116458	96/10	रिच विटामिन फूड्स प्रा. लि., 4, इंड. एरिया, बियरिंग यूनिट नं. 129, पीछे काजल पेट्रोल पम्प, उल्हासनगर, थाणे जिला 421 003	विस्फोट	आईएस 01011 : 92
27.	7114858	96/10	श्री वरुण सीमेंट पाइप कम्पनी, बी. नं. 76 वरुण नगर, तालुक पनहाला, जिला कोल्हापुर	पूर्व-उत्थित कंक्रीट पाइप (प्रबलन सहित और रहित)	आईएस 00458 : 88
28.	7116357	96/10	डायनमिक्स डेयरी इंडस्ट्रीज लि., ई-94, एमआई डीसी, भिवन रोड, बारामति, पूणे जिला,	मलाईयुक्त दूध पाउडर भाग 2 अतिरिक्त ग्रेड	आईएस 13334 : 92 भाग 02
29.	7115860	96/10	एवरेक्स (फायर प्रॉटेक्शन) इंडस्ट्रीज, 18 शरद इंड. एस्टेट, एफ बिल्डिंग भवन, (प), मुम्बई 400 078	सुबाह्य अग्निशामक पानी टाइप (गैस कारतूस)	आईएस 00940 : 89
30.	7115911	96/10	एवरेक्स (फायर प्रॉटेक्शन) इंडस्ट्रीज 18 शरद इंड. एस्टेट, एफ बिल्डिंग लेक रोड, भानुषुप (प) मुम्बई 400 078	जल टाइप सुबाह्य अग्निशामक यंत्र	आईएस 00934 : 89

(1)	(2)	(3)	(4)	(5)	(6)
31.	7116559	96/10	एवरेक्स (फायर प्रोटेक्शन) इंडस्ट्रीज 18 शरद इंड. एस्टेट एफ विल्डिंग लेक रोड, भानुप (प) मुम्बई 400 078	सुवाह्य अग्निशामक यंत्र, आर्ईएस 02171:85 शुष्क पाउडर	
32.	7115658	96/10	हिना इंटरप्राइसेज, बी-45, शुक्ला एस्टेट, सिंगल कम्पाउंड, सम्मुख अजित ग्लास, एस. बी. रोड, जोगेश्वरी (प), बम्बई 400102	250 वोल्ट तक की रेटित वोल्टता और 16 एम्पीयर तक की रेटित धारा के लिए प्लग साकेट आउटलेट	आर्ईएस 01293:88
33.	7116862	96/10	प्रोटोन इलैक्ट्रो मोटर्स, 68, एम आर्ई डी सी इंड. एरिया धिकलथाना, श्रीरंगाबाद 431 210	निमज्जनीय पम्प सेटों की विशिष्ट	आर्ईएस 08034:89
34.	7116660	96/10	सुपरमेक्स इक्विपमेंट्स डी 24, घाटकोपर इंड. एस्टेट, एल.बी.एस मार्ग, घाटकोपर (प) बम्बई 400 086	सुवाह्य अग्निशामक यंत्र, शुष्क पाउडर (कार्ट्रिज टाइप)	आर्ईएस 02171:85
35.	7115355	96/10	वर्धमान केबल्स एण्ड कंडक्टर्स, 129/सी, शिरोली (बी.के.), तालुक चांदगढ़, कोल्हापुर जिला	अनुप्रस्थ जुड़े हुए पीलीइथाइ- लीन विद्युतरोधी ताप स्थायी ठके केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए	आर्ईएस 07098:88 भाग 01
36.	7118563	96/10	ओडियन इन्डस्ट्रीज, समीप रवि, विद्यालय, सम्मुख गांधी सोसाइटी, जामनगर रोड, राजकोट 360 003	पीवीसी रोहित (भारी कार्य) बिजली की केबल भाग I 1100 वोल्ट तक की कार्यकारी वोल्टता के लिये	आर्ईएस 01554:88 भाग 01
37.	7118765	96/10	रजत एक्सपोर्ट्स उमाकांत उद्योग नगर राजकोट 360 004	कृषि प्रयोजनों (20 कि.घाट तक) के लिये एक समान गति वाले संपीडन प्रज्वलन (डीजल इंजनों) की कार्यकारिता अपेक्षाएं	आर्ईएस 11170:85
38.	7117763	96/10	श्री उमिया इलैक्ट्रिक एण्ड इंजी- नियरिंग वर्क्स, नारोबा रोड, अहमदाबाद 380 025	निमज्जनीय पम्पसेटों की विशिष्ट	आर्ईएस 08034:89
39.	7117864	96/10	परिशित प्लास्टिक्स प्रा. लि., प्लार न. 4912 फेस 4, जी आर्ई डी सी, बतवा, अहमदाबाद 382 445	सिचाई तंत्र के छिड़काव पंख के लिए पॉलिइथाइलीन पाइप	आर्ईएस 14151:94 भाग 01
40.	7118866	96/10	सीराष्ट्र सीमेंट एण्ड केमीकल इंडस्ट्रीज रणवाव, समीप पोरबंदर जिला जूनागढ़ 360 560 (गुजरात)	53 ग्रेड साधारण पोर्टलैंड सीमेंट	आर्ईएस 12269:87
41.	7113250	96/10	सुमेक्स केमीकल्स लि., स्टेट हाइवे नं. 6, पीओ भदेली, जिला बलसाड़ गुजरात 396 030	साइपरमेथीन ई सी	आर्ईएस 12016:87

(1)	(2)	(3)	(4)	(5)	(6)
42.	7118967	96/10	ट्रान्स ग्लोबल एजेंसीज प्रा. लि., ए-1, 4311/4 फेस 4, जीआई डी सी. एंड	पशु आहार और खाद्य सामग्री की शब्दावली	आईएस 0703:79
43.	8168583	96/10	अंकुर इंटरप्राइसेज, ए-269, सुदर्शन पार्क, नई दिल्ली 110 015	बिजली के पानी गर्म करने के भंडारण किस्म के स्थिर हीटर	आईएस 02082:93
44.	8168482	96/10	डिसेंट इलेक्ट्रिकल्स, एम-11, शामनगर ख्याला रोड, नई दिल्ली 110 018	बिजली के पानी गर्म करने के भंडारण किस्म के स्थिर हीटर	आईएस 02082:93
45.	8167177	96/10	दुग्गल इंडस्ट्रीज, जी-2/1, बीरेन्द्र नगर, गली नं. 7, नई दिल्ली 110053	एक फेज लघु ए. सी. और सांघिक बिजली की मोटर	आईएस 00996:79
46.	8166882	96/10	फ्लोरिडा इलेक्ट्रिकल इंडस्ट्रीज लि. बी-147, मायापुरी इंड. एरिया, फेस, 1, नई दिल्ली 110064	बत्ती उपकरण की विशिष्ट भाग 5 विशेष अपेक्षाएं अनु. 1	आईएस 10322:85 भाग 05
47.	8166781	96/10	गार्डियन केबल्स एण्ड कंडेक्टर्स (प्रा.) नि. खसरा नं. 14/24 गांव नांगली पूना, जी.टी. करनाल रोड, दिल्ली 110036	1100 वोल्ट तक की कार्यकारी वोल्टता के लिए पीवीसी रोधित केबल	आईएस 00694:90
48.	8166680	96/10	जी.टी. इलेक्ट्रिकल्स, 188, कल्याण विहार, दिल्ली 110 009	घरेलू और समान विद्युत साधनों की सुरक्षा भाग 2 विवरणात्मक अपेक्षाएं अनु. 3 विद्युत हस्तरी	आईएस 00302:92 भाग 02 अनु. 03
49.	8168381	96/10	भार. के. इलेक्ट्रिकल्स, एफ एफ-2, मंगल बाजार, लक्ष्मी नगर, नई दिल्ली 110 092	खनिज भरे खोलदार तापन एलीमेंट	आईएस 04159 : 83
50.	8167076	96/10	यूनीसेफ केबल इण्डस्ट्रीज, खसरा नं. 101, करावल नगर, दिल्ली—110 094	पी०वी०सी० रोधित (भारी कार्य) बिजली की केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए	आईएस 01554 : 88 भाग 01
51.	8168684	96/10	यू० लाइक इलेक्ट्रिक कार- पोरेशन, 334/26, अंकार नगर बी, त्रिनगर, दिल्ली—110 035	एक फेज लघु ए०सी० और सांघिक बिजली की मोटर	आईएस 00996 : 79
52.	8167682	96/10	सी०एम० प्रेजिशन टूल्स (इंडिया) रजि०, 303/2, थान सिंह नगर, आनन्द पर्वत, नई दिल्ली—110 005	घरेलू और समान विद्युत साधनों की सुरक्षा भाग 2 विवरणा- त्मक अपेक्षाएं खण्ड 3 विद्युत हस्तरी	आईएस 00302 : 92 भाग 02 खण्ड 03

(1)	(2)	(3)	(4)	(5)	(6)
53. 8165779	96/10	इलूक इलेक्ट्रिक इण्डस्ट्रीज, बी-77, ग्रीनवुड इण्डस्ट्रियल एरिया, फेस 2, नई दिल्ली—110 020	पानी गर्म करने के भण्डारण किस्म के बिजली के स्थिर हीटर	आई एस 02082 : 93	
54. 8167278	96/10	इंजीनियरिंग टेक्निको (इंडिया), 619/80, छतरपुर, मेहरौली, नई दिल्ली—110 030	नोदक टाइप ए०सी० संवाहन पंखे	आई एस 02312 : 67	
55. 8166983	96/10	फ्लोरिडा इलेक्ट्रिकल इंडस्ट्रीज लि०, बी-147, मायापुरी इण्ड० एरिया, फेस 1, नई दिल्ली—110 064	फ्लोरोसेन्ट लैम्पों के लिये बैलास्ट (चोक) भाग 1 स्थिर क्षालित परिपथ हेतु	आई एस 01534 : 77 भाग 01	
56. 8167379	96/10	ग्राण्डले इलेक्ट्रिकल्स (इंडिया), 456/426, मिलिट्री परेड रोड, रेडियो कालोनी, दिल्ली—110 009	पी०वी०सी० रोधित (भारी) कार्य) बिजली के केबल भाग 2 3.3 कि०वा० से 1100 कि०वा० तक की कार्यकारी वोल्टता के लिए	आई एस 01554 : 88 भाग 02	
57. 8165577	96/10	इन्टर गैस एप्लायसेंस प्रा० लि०, सी-113, सेक्टर 2, नोएडा, जिला गाजियाबाद—201 301	वायुगैस चूल्हा	आई एस 08749 : 88	
58. 8166074	96/10	पेराडाइज पावर केबल्स (प्रा०) लि०, प्लॉट नं० 50-51, समथपुर, दिल्ली—110 042	पी०वी०सी० रोधित (भारी कार्य) बिजली के केबल भाग 1 1100 वोल्ट तक की कार्यकारी वोल्टता के लिए	आई एस 01554 : 88	
59. 8167480	96/10	शिल्टन इलेक्ट्रिकल्स (प्रा०) लि०, डब्ल्यू०एच०-77, मायापुरी इण्ड० एरिया, फेस 1, नई दिल्ली—110 064	बिजली के छत के पंखे और रेगुलेटर	आई एस 00374 : 79	
60. 8167581	96/10	सोनम इन्टरप्राइसेज, 69, गोविन्द मोहल्ला, हैबरपुर, दिल्ली—110 042	घरेलू और समान विद्युत साधनों की सुरक्षा भाग 2 विवरणा- त्मक अनेक्षाएं खण्ड 3 विद्युत इस्तरा	आई एस 00302 : 92 भाग 02 खण्ड 03	
61. 8168785	96/10	यू लाइक इलेक्ट्रिक कारपोरेशन, 334/26, श्रींकार नगर "बी", त्री नगर, दिल्ली—110 035	बिजली के पानी गर्म करने के भण्डारण किस्म के स्थिर हीटर	आई एस 02082 : 93	

(1)	(2)	(3)	(4)	(5)	(6)
62. 8165375	96/10	राजेश स्टिप्स लिमिटेड, 535-सी, उर्ला इण्डस्ट्रियल कॉम्प्लेक्स, रायपुर	सामान्य संरचना इम्पात	आई एस 02062 : 82	
63. 8166579	96/10	जेपी रेवा सीमेन्ट, पी०एम० बॉक्स 60, जेपी नगर, रेवा (म०प्र०)	53 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एम 12269 : 87	
64. 8169787	96/10	कटारिया वायर्स प्रा० लि०, 10, इण्ड० एस्टेट, रतलाम (म०प्र०)---457 001	पूर्व प्रतिबलित कंक्रीट के लिये गद्देदार तार	आई एम 06003 : 83	
65. 8166478	96/10	आराम प्लास्टिक्स प्राइवेट लिमिटेड, जी-232, टोंक रोड, सीतापुर इण्डस्ट्रियल एरिया, जयपुर	पेयजल आपूर्ति के लिये गैर- प्लास्टिकृत पी०बी०सी० पाइप	आई एस 04984 : 87	
66. 8168179	96/10	हार्ड-टेक केबल इण्डस्ट्रीज, ए-239 (ए) रोड नं० 6-डी, विश्वकर्मा इण्डस्ट्रियल एरिया, जयपुर---302 013	निमज्जन मोटरों के वाइडिंग तार	आई एस 08783 : 78	
67. 8168987	96/10	शुशब् पॉलीमर्स प्रा० लि०, डी-80, रोड नं० 7, विश्वकर्मा इण्डस्ट्रियल एरिया, जयपुर---302 013	पेयजल आपूर्ति के लिए उच्च घनत्व वाले पॉलीएथिलीन पाइप	आई एस 04984 : 87	
68. 8167884	96/10	त्रिपुरा सीमेन्ट लिमिटेड, 71---75, इण्डस्ट्रियल एरिया, दोहाद रोड, बंसवाड़ा, बंसवाड़ा---327 001	33 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एम 00269 : 89	
69. 8166377	96/10	तेज इलैक्ट्रोप्लास्ट प्राइवेट लिमिटेड, एफ-11, रोड नं० 2, बिन्दायक इण्डस्ट्रियल एरिया, बिन्दाका, जयपुर	पेयजल आपूर्ति के लिए उच्च घनत्व वाले पॉलीएथिलीन पाइप	आई एस 04984 : 87	
70. 8165678	96/10	बीके प्लास्ट, एफ-25, 26, करतारपुर इण्डस्ट्रियल एरिया, 22 गोदाम, जयपुर---320 006	पेयजल पूर्ति के लिए उच्च घनत्व वाले पॉलीएथिलीन पाइप	आई एस 04984 : 87	
71. 8169888	96/10	हरि नारायण बिहारी, 8-डी, इण्डस्ट्रियल एरिया, जोतवाड़ा, जयपुर---302 012	सिचाई तन्त्र के छिड़काव यंत्र के लिये पालीइथाइलीन पाइप	आई एस 14151 : 94 भाग 01	

(1)	(2)	(3)	(4)	(5)	(6)
72. 8166276	96/10	इण्डो अमेरिकन सीमेन्ट कार्पोरेशन लि., गांव शेजरिया, बिलारी, जिला जोधपुर	43 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एस 08112 : 89	
73. 8165274	96/10	मेटा सीमेन्ट्स प्रा. लि., इण्डस्ट्रियल कॉम्प्लेक्स, पी.ओ. मेटा रोड 3415, जिला नागपुर	43 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एस 08112 : 89	
74. 9124568	96/10	जी. के. इंजीनियरिंग वर्क्स (इंडिया), प्लॉट नं. 1400, एस. आई. ई. फेस 1, जिला रोहतक, बहादुरगढ़ (हरियाणा)	भारी इस्पातों के लिये (द्रव चालित नियंत्रित) फर्श कमानिया	आई एस 06315 : 92	
75. 9122766	96/10	माइक्रोन इन्स्ट्रुमेंट्स इण्ड., 83, गोबिन्द नगर, जिला अम्बाला, अम्बाला कैम्प (हरियाणा)	विद्यार्थियों के लिए प्रयोग टाइप सूक्ष्मदर्शी	आई एस 03686 : 66	
76. 9122968	96/10	सलेक्टा केबल्स प्रा. लि., 21-22, इण्ड. एरिया, जिला ऊना, महतपुर—174 315 (हि.प्र.)	शिरोपरि प्रेषण कार्यों के लिए एल्यूमीनियम के चालक	आई एस 00398 : 76 भाग 02	
77. 9122968	96/10	श्री गणेश रोलिंग मिल्स (प्रा.) लि., दिल्ली रोड, मनरोड खर्द, हिमाचल (हरियाणा—125 044)	सामान्य संरचना इस्पात	आई एस 02062 : 92	
78. 9123061	96/10	शिवा इण्डस्ट्रीज, 6, इण्ड. ए. कमिशन एरिया, हाटली मोर, कठुआ (जम्मू-कश्मीर)	43 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एस 08112 : 89	
79. 9122362	96/10	शिवा मेटल फॉर्मिंग इंडिया (प्रा.) लि., प्लॉट नं. 72, इण्ड. एरिया, जिला सोलन बर्दो (एच.पी.) 174 101	एल्यूमीनियम मिश्रधातु के दूध के पिन्ने	आई एस 01825 : 83	
80. 9123566	96/10	अटो इजीनियर्स, ई-292, फोर्कल प्वाइन्ट, लुधियाना—141 010	द्रव चालित डोर मशीन	आई एस 03564 : 86	

(1)	(2)	(3)	(4)	(5)	(6)
81. 9124972	96/10	श्रीप केयर पेस्ट्रीसाइड्स इंडिया (प्रा०) लि०, 51.8 कि०मी० स्टोन, जी०टी० रोड, करार इम्राहिमपुर, मुखल, जिला सोनीपत (हरियाणा)	इन्डोमल्फान पायसनीय सान्द्र	आई एस 09356 : 80	
82. 9123768	96/10	फंगीसाइड्स (इंडिया) लि०, सिडको इण्ड० कॉम्प्लेक्स, रोड नं० 4, फेस 1, बारी ब्राह्मण, जम्मू	इन्डोमल्फान पायसनीय सान्द्र	आई एस 04323 : 80	
83. 9123869	96/10	फंगीसाइड्स (इंडिया) लि०, सिडको इण्ड० कॉम्प्लेक्स, रोड नं० 4, फेस 2, बारी-ब्राह्मण, जम्मू (जे० एण्ड के०)	2, 4-डी इथाइल एस्टर	आई एस 10243 : 93	
84. 9123970	96/10	फंगीसाइड्स (इंडिया) लि०, सिडको इण्ड० कॉम्प्लेक्स, रोड नं० 4, फेस 2, बारी-ब्राह्मण, जम्मू	मोनोक्रोटोफॉस एस०एल०	आई एस 08074 : 90	
85. 9124063	96/10	फंगीसाइड्स (इंडिया) लि०, सिडको इण्ड० कॉम्प्लेक्स, रोड नं० 4, फेस 2, बारी-ब्राह्मण, जम्मू	फेनवलेरेट ई०सी०	आई एस० 11997 : 87	
86. 9124164	96/10	फंगीसाइड्स (इंडिया) लि०, सिडको इण्ड० कॉम्प्लेक्स, रोड नं० 4, फेस 2, बारी-ब्राह्मण, जम्मू	मैनकोजेब जल परिक्षयणीय चूर्ण	आई एस 08708 : 78	
87. 9124669	96/10	मंगली सीमेन्ट्स लि०, 48, इण्डस्ट्रियल डेव० कालांती, हिस्मार्	43 ग्रेड साधारण पोर्टलैण्ड सीमेन्ट	आई एस 08112 : 89	
88. 9122867	96/10	माइक्रोन इन्स्ट्रूमेन्ट्स इण्ड०, 83, गोबिन्द नगर, जिला अम्बाला केन्ट	रंग निदान हेतु सूक्ष्मदर्शी	आई एस 04381 : 67	
89. 9123465	96/10	रेणूका सीमेन्ट लि०, गांव पत्ती नाथ सिंह, पौटा साहिब	43 ग्रेड साधारण पोर्टलैण्ड सीमेन्ट	आई एस 08112 : 89	

(1)	(2)	(3)	(4)	(5)	(6)
90. 9123162	96/10	सिरमौर एलाइड एण्ड सीमेन्ट इण्ड (प्रा०) लि०, गांव मंगलानवाला करतारपुर, पी०घो० राजबन, तहसील पोंटा साहिब, सिरमौर	43 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एस 08112 : 89	
91. 9124265	96/10	अल्विन सीमेन्ट प्रा० लि०, 170, गांव बेहलोलपुर, मनघना, कानपुर देहात	33 ग्रेड साधारण पोर्टलैंड सीमेन्ट	आई एस 00269 : 89	
92. 9121966	96/10	पारस फाउण्ड्री, 68, इण्डस्ट्रियल एस्टेट, ननहाई, आगरा, आगरा	अपशिष्ट और संवातन के लिये रेत के सांखों में छले लोहे के सिपगाट और साकेट पाइप, फिटिंग और सहायकांग	आई एस 01729 : 79	
93. 9121663	96/10	फेब्राको इंजीनियर्स, ई-6, इण्डस्ट्रियल एरिया, अमायन रोड, राय बरेली	ठोस जैवभार—चूल्हा भाग 1 सुबाह्य (धात्विकसुबाह्य)	आई एस 13152 : 91 भाग 01	
94. 7117359	96/10	ब्राइट इंजीनियर्स, 8, 9 एण्ड 13, यमुना एस्टेट, पीछे : सोनिया सेरेमिक, अनिल रोड, अहमदाबाद—380 025	निमज्जनीय पम्पमेटों की विशिष्ट	आई एस 08034 : 89	
95. 9124770	96/10	संगम इण्डस्ट्रीज, 3123, इण्ड एरिया, फेस 2, चण्डीगढ़	पानी गर्म करने के इन्स्टैंड हीटर	आई एस 08978 : 92	
96. 9123263	96/10		गलसर और नमसर बनाने के लिये बिटूमिन नमदा	आई एस 01322 : 93	
97. 8166175	96/10	कॉन्टिनेन्टल मिल्कोस (इंडिया) लि०, गांव हबिलपुर, समीप सुरजपुर, नीएडा बावरी मेन रोड, गाजियाबाद, तहसील दादरी	दूध पाउडर की विशिष्ट	आई एस 01165 : 92	
98. 8168078	96/10	सरजी एंड (इंडिया)	हथकरघे का सूती निर्जमित पट्टी कपड़ा	आई एस 00863 : 88	

MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION
BUREAU OF INDIAN STANDARDS

New Delhi, the 14th June, 1999

S.O.1823.—In pursuance of Sub-regulation (5) of the Bureau of Indian Standards (Certification) Regulations, 1988, of Bureau of Indian Standards, hereby notifies the grant of licences particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Operative Date	Name & address (factory) of the party	Title of the standard	IS: No/Part/ Sec & Year
1.	5068766	96/10	M.E. X-Ray (India) Pvt. Ltd. Diamond Harbour Road, Hanspukuria, P.O. Joka, 24-Parganas (South), West Bengal-743 512	Diagnostic medical X-ray equipment : Part 1 General and safety requirements	IS 07620:86 Part 01
2.	5068261	96/10	Nu-Wood Boards (P) Ltd. 5, Meher Ali Lane, Calcutta-700 015	Wooden flush door shutters (solid core type): Part 1 Plywood face panels (Fifth revision) (Amendment Nos. 2)	IS 00200:91 Part 01
3.	5065861	96/10	Assam Conductors & Tubes Pvt. Ltd. P.O. Bamuni Maidan Gauhati-781 021	Aluminium conductors for overhead transmission purpose : Part 1 Aluminium stranded conductors (second revision) (Amendment No. 1)	IS 00398:76 Part 01
4.	5068362	96/10	Ganapati Packing Industries 493 GT Road Sibpur Howrah	Jute bags for packing fertilizers: Part 2 Laminated bags manufactured from 380 g/sq.m; 68 x 39 tarpaulin fabric (first revision)	IS 07406:84 Part 02
5.	6111544	96/10	Larsen & Toubro Ltd. Mylam Road, Sedurapet, Pondicherry-605 111	High strength deformed steel bars and wires for concrete reinforcement (Third revision) (superseding IS:1139-1966) (Amendment No. 1)	IS 01786:85
6.	6114146	96/10	Madurai Cements (P) Ltd. B-9, Sipcot Complex Mana, Madurai-623 606	Portland pozzolana cement : Part 1 Flyash based (third revision)	IS 01489:91 Part 01
7.	6112950	96/10	Venkateshwara Conduits Pvt.Ltd. F-20 Sipcot Industrial Complex Guwaidipoondi-601 201	Mild steel tubes, tubulars and other wrought steel fittings, part 1 Mild steel tubes (fifth revision) (Amendments 3)	IS 01239:90 Part 01
8.	6112041	96/10	Modern Steel & Wire Products 238, Malu Nagar Jamboti Road Navge Cross P.O. Belgaum	Uncoated stress relieved strand for prestressed concrete (first revision) (Amendments 2)	IS 06006:83

1	2	3	4	5	9
9.	6112546	96/10	Varsha Cables Pvt. Ltd. 65, A-2 Hootagalli Industrial Area, Dic Layout Mysore-571186	PVC Insulated cables for working voltage upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90
10.	6112849	96/10	Aromatic Chemical & Oil Co. Pvt. Ltd. D-7, D-8, Indl. Estate Visakapatnam-530 007	Coaltar food colour preparations and mixturse (first revision) (Amendments 5)	IS 05346:75
11.	6113548	96/10	Gilda Foundry Works Arasapalli Nizamabad-503 001	Cast iron detachable joints for use with asbestos cement pressure pipes (first revision) (Amendment 1)	IS 08794:88
12.	6112243	96/10	General Sewing Machine Works 1-7-77, Bakaram Hyderabad Dist. 500 048	Household sewing machines-General requirements (second revision)	IS 01610:89
13.	6113144	96/10	S.B. Industries S.No. 3/A & 4/A, Konnuguda Asifabad Adilabad Dist.	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
14.	6113750	96/10	Sai Cement Factory Addanapalam Village Kothahvalsa Mandal Vizianagaram Dist.	Portland slag cement (fourth revision) (Amendment 3)	IS 00455:89
15.	6112748	96/10	Hindustan Metal Industries A 9, Indl. Estate Moulali Hyderabad-500 040	Cast iron detachable joints for use with asbestos cement pressure pipes (first revision) (Amendments 1)	IS 08794:88
16.	6112142	96/10	Krishi Pesticides Pvt. Ltd. Raghavapoor Village Bibinagar Mandal Nalgonda Dist.	Chlorpyrifos emulsifiable concentrates (Amendment 1)	IS 08944:78
17.	6112647	96/10	Sarada Agro Engineering Products 189, Plassey Lines Bownpally Hyderabad Secunderabad 500011	Cast iron detachable joints for use with asbestos cement pressure pipes (first revision) (Amendment 1)	IS 08794:88
18.	6111847	96/10	J.C. Steels and Aluminium Industries NP VII/936 Industrial Estate Pappanamcode Thiruvananthapuram 695 019	Aluminium conductors for overhead (transmission purposes: Part 1 Aluminium stranded conductors (second revision) (Amendment No. 1)	IS 00398:76 Part 01

1	2	3	4	5	6
19.	6112344	96/10	Steel Complex Ltd. P.B. No. 42, Wisco Nagar Feroke Calicut 673 631	Cast billet ingots and continuously cast billets for rolling into structural steel (ordinary quality) (first revision) (Amendments 2)	IS 06915:78
20.	6111948	96/10	J.C. Steels and Aluminium Industries NP VII/936 Pappanamcode Thiruvananthapuram 695 019	Aluminium conductors for overhead transmission purposes: Part 2 Aluminium conductors, galvanized steel reinforced (second revision) (Amendment 3)	IS 00398:76 Part 02
21.	6113043	96/10	Star Refineries Pvt. Ltd. V/362-365, Star Agro Complex Industrial Estate, Edayar Binanipuram P.O. Aluva, Ernakulam 683 502	Flexible packs for the packing of vanaspati (Amendments)	IS 11352:85
22.	7115557	96/10	Digganth Steel Industries and Engg. Works Plot No. 8 & 27 Eastern Indl. Estate Kalmama Nagpur 440 008	High strength steel deformed bars and wires for concrete reinforcement (Third revision) (superseding IS:1139-1966) (Amendment No. 1)	IS 01786:85
23.	7115759	96/10	Everex (Fire Protection) Industries 18, Sharad Indl. Estate, F. Building, Lake Road, Bhandup (West) Mumbai 400 078	Portable chemical foam fire extinguisher (third revision)	IS 00933:89
24.	7116761	96/10	Mundra Agro Plast Inds. Ltd. G-125 & G-126 MIDC Jalgaon 425 003	Unplasticised PVC pipes for potable water supplies (second revision) (Amendment 1)	IS 04985:88
25.	7117056	96/10	Rose Cement Co. Pvt. Ltd. Survey No. 334, Bhiwandi Wada Road Village Nare, Post : Kudus Taluka Wada Thane District	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
26.	7116458	96/10	Rich Vitamin Foods Pvt. Ltd. 4, Indl. Area Bearing Unit No. 129, Behind Kajal Petrol Pump Ulhasnagar Thane District 421 003	Biscuits (third revision)	IS 01011:92

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27. 7114858	96/10	Shree Warana Cement Pipe Company B.No. 76, Warana Nagar, Taluk Panhala Kolhapur District	Precast concrete pipes (with and without reinforcement) (third revision) (Amendments 2)	IS 00458:88	
28. 7116357	96/10	Dynamix Dairy Industries Ltd. E-94, MIDC Bhigwan Road, Baramati Pune District	Skim milk powder: Part 2 Extra grade	IS 13334:92 Part 02	
29. 7115860	96/10	Everex (Fire Protection) Industries 18, Sharad Indl. Estate, F. Building, Lake Road, Bhandup (West) Mumbai 400 078	Portable fire extinguisher, water type (gas cartridge) (third revision)	IS 00940:89	
30. 7115961	96/10	Everex (Fire Protection) Industries 18, Sharad Indl. Estate, F. Building, Lake Road, Bhandup (West) Mumbai 400 078	Specification for portable fire extinguisher water type (soda acid) (third revision)	IS 00934:89	
31. 7116559	96/10	Everex (Fire Protection) Industries 18, Sharad Indl. Estate, F. Building, Lake Road, Bhandup (West) Mumbai 400 078	Portable fire extinguishers, dry powder (cartridge type) (Third revision) (Amendment No. 1)	IS 02171:85	
32. 7115658	96/10	Heena Enterprises B-45, Shukla Estate Single Compound Opp. Ajit Glass, S.V. Road, Jogeshwari (W) Bombay 400 012	Plugs and socket outlets of rated voltage up to and including 250 volts and rated current up to and including 16 amperes (second revision) (Amendments 3)	IS 01293:88	
33. 7116862	96/10	Proton-Electro Motors 68, MIDC Indl. Area Chikalthana Aurangabad 431210	Submersible pumpsets (first revision) (Amendments 3)	IS 08034:89	
34. 7116660	96/10	Supermex Equipments D-2A, Ghatkopar Indl. Estate L.B.S. Marg, Ghatkopar (W) Bombay 400 086	Portable fire extinguishers, dry powder (cartridge type) (Third revision) (Amendment No. 1)	IS 02171:85	

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35.	7115355	96/10	Vardhman Cables & Conductors 129/C, Shirol (B.K.) Taluka Chandgad Kolhapur Distt.	Crosslinked polyethylene insulated PVC sheathed cables: Part 1 For working voltage up to and including 1 100 V (first revision) (Amendment 1)	IS 07098 : 88 Part 01
36.	7118563	96/10	Odian Industries Near Ravi Vidyalyaya Opp. Gandhi Society Jamnagar Road Rajkot 360003	PVC insulated (heavy duty) electric cables: Part 1 For working voltages upto and including 1 100 V (Third revision)	IS 01554:88 Part 01
37.	7118765	96/10	Rajat Exporters Umakant Udyog Nagar Rajkot 360004	Performance requirements for constant speed compression ignition (diesel) engines for agricultural purposes (up to 20 kW) (Amendment 1)	IS 11170:85
38.	7117763	96/10	Shrre Umiya Electric and Engineering Works Naroda Road Ahmedabad 380025	Submersible pumpsets (first revision) (Amendments 3)	IS 08034:89
39.	7117864	96/10	Parixit Plastics Pvt. Ltd. Plot No. 4912, Phase 4, G.I.D.C. Vatva, Ahmedabad 382445	Polyethylene pipes for sprinkler irrigation systems: Part 1 Pipes	IS 14151:94 Part 01
40.	7118866	96/10	Saurashtra Cement & Chemical Industries Limited Ranavav, Near Porbandar Distt. Junagadh 360 560 (Gujarat)	53 grade ordinary Portland cement (Amendments 3)	IS 12269 : 87
41.	7113250	96/10	Sumex Chemicals Ltd. State Highway No. 6 PO Bhadeli Distt. Valsad (Gujarat) 396030	Cypermethrin EC (Amendment 1)	IS 12016:87
42.	7118967	96/10	Trans Global Agencies Pvt. Ltd. A-1 4311/4 Phase 4 GIDC Indl. Estate Vapi Distt. Valsad 396195	Glossary of terms for animal feeds and feeding stuffs	IS 09703:79
43.	8168583	96/10	Ankur Enterprises A-269, Sudershan Park, New Delhi 110015	Stationary storage type electric water heaters (third revision) (Amendment 1)	IS 02082:93

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44. 8168482	96/10	Decent Electricals M-11, Sham Nagar, Khyala Road, New Delhi 110018	Stationary storage type electric water heaters (third revision) (Amendment 1)	IS 02082:93	
45. 8167177	96/10	Duggal Industries G-2/1, Virender Nagar, Gali No. 7, New Delhi 110053	Single-phase small ac and universal electric motors (second revision) (Amendments 2)	IS 00996:79	
46. 8166882	96/10	Florida Electrical Industries Ltd. B-147, Mayapuri Indl. Area, Phase I, New Delhi 110064	Luminaires: Part 5 Particular requirements, Sec 1 General purpose luminaires	IS 10322:85 Part 05 Sec 01	
47. 8166781	96/10	Guardian Cables & Conductors (P) Ltd. Khasra No. 14/24, Village Nangli Poona, G.T. Karnal Road, Delhi 110036	PVC Insulated cables for working voltages upto and including 1100 V (third revision) (Amendment No. 1 to 4)	IS 00694:90	
48. 8166680	96/10	G.T. Electricals 188, Kalyan Vihar, Delhi 110009	Safety of household and similar electrical appliances : Part 2 Particular requirements, Sec 2 Electric iron	IS 00302:92 Part 02 Sec 03	
49. 8168381	96/10	R.K. Electricals FF-2, Mangal Bazar, Laxmi Nagar, New Delhi 110092	Mineral filled sheathed heating elements (second revision) (Amendments 6)	IS 04159:83	
50. 8167076	96/10	UNISEF Cable Industries Khasra No. 101, Karawal Nagar, Delhi 110094	PVC insulated (heavy duty) electric cables: Part 1 For working voltages upto and including 1100 V (Third revision)	IS 01554:88 Part 01	
51. 8168684	96/10	U. Like Electric Corporation 334/26, Onkar Nagar B, Tri Nagar, Delhi 110035	Single-phase small ac and universal electric motors (second revision) (Amendments 2)	IS 00996:79	
52. 8167682	96/10	C.M. Precision Tools (India) Regd. 303/2, Than Singh Nagar Anand Parbat New Delhi 110005	Safety of household and similar electrical appliances: Part 2 Particular requirements, Sec 3 Electric iron	IS 00302:92 Part 02 Sec 03	

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53.	8165779	96/10	Duke Electrical Industries B-77, Okhla Industrial Area Phase-II New Delhi 110 020	Stationary storage type electric water heaters (third revision) (Amendment 1)	IS 02082:93
54.	8167278	96/10	Engineering Technico (India) 619/80, Chhatarpur Mehrauli New Delhi 110030	Propeller type ac ventilating fans (first revision) (Amendments Nos. 6)	IS 02312:67
55.	8166983	96/10	Florida Electrical Industries Ltd. B-147, Mayapuri Indl. Area. Phase I, New Delhi 110064	Ballasts for fluorescent lamps: Part 1 For switch start circuits (second revision) (Amendments 3)	IS 01534:77 Part 01
56.	8167379	96/10	Grandlay Electricals (India) 456/426, Military Parade Road Radio Colony Delhi 110009	PVC insulated (heavy duty) electric cables: Part 2 For working voltages from 3.3 KV upto and including 11 KV (first revision) (Amendment No. 1)	IS 01554:88 Part 02
57.	8165577	96/10	Inter Gas Appliances Pvt. Ltd. C-113, Sector II Noida Distt. Ghaziabad 201301	Bio gas stove (first revision) (Amendments 2)	IS 08749:88
58.	8166074	96/10	Paradise Power Cables (P) Ltd. Plot No. 50-51, Samepur Delhi 110042	PVC insulated (heavy duty) electric cables: Part 1 For working voltages upto and including . 100 V (Third revision)	IS 01554:88 Part 01
59.	8167480	96/10	Shilton Electricals (Pvt.) Ltd. WH-77, Mayapuri Indl. Area Phase I, New Delhi 110064	Electric ceiling type fans and regulators (third revision) (Amendments 4)	IS 00374:79
60.	8167501	96/10	Sonam Enterprises 69 Gobind Mohalla Hyderpur Delhi 110042	Safety of household and similar electrical appliances: Part 2 Particular requirements, Sec 3 Electric iron	IS 00302:92 Part 02 Sec 03

1	2	3	4	5	6
61. 8168785	96/10	U. Like Electric Corporation 334/26, Onkar Nagar B. Tri Nagar, Delhi 110035	Stationary storage type electric water heaters (third revision) (Amendment 1)	IS 02062:93	
62. 8165375	96/10	Rajesh Strips Limited 535-C, Urla Industrial Complex Raipur Raipur	Steel for general structural purposes (Fourth revision) (supersedes IS 225:1975) (Amendment No. 1)	IS 02062:92	
63. 8166579	96/10	Jaypee Rewa Cement P.O. Box 60 Jaypee Nagar Rewa (M.P.)	53 grade ordinary Portland cement (Amendments 3)	IS 12269:87	
64. 8169787	96/10	Kataria Wires Pvt. Ltd. 10, Industrial Estate Ratlam (MP) 457001	Indented wire for prestressed concrete (first revision) (Amendment 1)	IS 06003:83	
65. 8166478	96/10	Aaram Plastics Pvt. Ltd. G-232, Tonk Road Sitapura Industrial Area Jaipur Jaipur	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87	
66. 8168179	96/10	Hi-Tech Cable Industries A-239 (A), Road No. 6-D Vishwakarma Industrial Area Jaipur Jaipur 302013	PVC insulated winding wires for submersible motors for 80 degree celsius operation (Amendments 3)	IS 08788:78	
67. 8168987	96/10	Krushbu Polymers Pvt. Ltd. D-80, Road No. 7 Vishwakarma Industrial Area Jaipur Jaipur 302013	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87	
68. 8167884	96/10	Tripura Cement Limited 71-75, Industrial Area Dohad Road Banswara Banswara 327001	33 Grade ordinary portland cement (fourth revision) (Amendments 3)	IS 00269:89	
69. 8166377	96/10	Tvj Electroplast Pvt. Ltd. F-11, Road No. 2 Bindayaka Industrial Area Bindaka Jaipur Jaipur	High density polyethylene pipes for potable water supplies; sewage and industrial effluents (third revision)	IS 04984:87	

1	2	3	4	5	6
70.	8165678	96/10	Veekay Plast F-25, 26, Kartarpura Indl. Area 22 Godown Jaipur Jaipur 302006	High density polyethylene pipes for potable water supplies: sewage and industrial effluents (third revision)	IS 04984:87
71.	8169888	96/10	Hari Narayan Bihani 8-B, Industrial Area Jhotwara Jaipur Jaipur 302012	Polyethylene pipes for sprinkler irrigation systems: Part 1 pipes	IS 14151:94 Part 01
72.	8166276	96/10	Indo American Cement Corpn. Ltd. Vill. Khejaria Bilare Distt. Jodhpur	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
73.	8165274	96/10	Merta Cements Pvt. Ltd. Industrial Complex P.O. Merta Road 3415 Distt. Nagpur	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
74.	9124568	96/10	G.K. Engineering Works (India) Plot No. 1400 M.I.E., Phase I, Distt. Rohtak Bahadurgarh (Haryana)	Floor springs (hydraulically regulated) for heavy doors (second revision)	IS 06315:92
75.	9122766	96/10	Micron Instruments Inds. 83, Gobind Nagar Distt. Ambala Ambala Cantt (Haryana)	Student type microscope (Amendments 2)	IS 03686:66
76.	9122968	96/10	Salecha Cables Pvt. Ltd. 21-22, Indl. Area Distt. Una Mehatpur (HP) 174315	Alumintum conductors for overhead transmission purposes: Part 2 Aluminium conductors, galvanized steel reinforced (second revision) (Amendment 3)	IS 00398:76 Part 02
77.	9122665	96/10	Shree Ganesh Rolling Mills (P) Ltd. Delhi Road Satrod Khurd Hisar (Haryana) 125044	Steel for general structural purposes (Fourth revision) (supersedes IS 225:1975) (Amendment No. 1)	IS 02062:92

1	2	3	4	5	6
78. 9123061	96/10	Shiva Industries 6, Indl. Ext. Area Hatli More Kathua (J & K)	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89	
79. 9122362	96/10	Shiva Metal Forming India (P) Ltd. Plot No. 72, Indl. Area Distt. Solan Baddi (HP) 174101	Aluminium alloy milk cans (second revision)	IS 01825:83	
80. 9123566	96/10	Auto Engineers E-292, Focal Point, Ludhiana 141010	Door closers (hydraulically regulated) (second revision) (Amendment 1)	IS 03564:86	
81. 9124972	96/10	Crop Care Pesticides India Pvt. Ltd. 51.8 Km Stone G.T. Road Kurur Ibrahimpur Murthal Distt. Sonapat (Haryana)	Butachlor emulsifiable concentrates (Amendments 2)	IS 09356:80	
82. 9123768	96/10	Fungicides (India) Ltd. SIDCO Indl. Complex, Road No. 4 Phase II, Bari Brahmana Jammu (J&K)	Endosulfan emulsifiable concentrates (first revision) (Amendments 2)	IS 04323:80	
83. 9123869	96/10	Fungicides (India) Ltd. SIDCO Indl. complex, Road No. 4 Phase II, Bari Brahmana Jammu (J & K)	2, 4-D Ethyl ester emulsifiable concentrates (first revision)	IS 10743:93	
84. 9123970	96/10	Fungicides (India) Ltd. SIDCO Indl. Complex, Road No. 4, Phase II, Bari Brahmana Jammu (J & K)	Monocrotophos SL (second revision)	IS 08074:90	
85. 9124063	96/10	Fungicide (India) Ltd. SIDCO Indl. Complex, Road No. 4, Phase II, Bari Brahmana Jammu (J & K)	Fenvalerate, EC (Amendment 1)	IS 11997:87	

1	2	3	4	5	6
86.	9124164	96/10	Fungicides (India) Ltd. SIDCO Indl. Complex, Road No. 4, Phase II, Bari Brahmna Jammu (J & K)	Mancozeb water dispersible powder concentrates (Amendment 1)	IS 08708:78
87.	9124669	96/10	Mangali Cements Ltd. 48, Industrial Dev. Colony Hissar	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
88.	9122867	96/10	Micron Instruments Inds. 83, Gobind Nagar Distt. Ambala Ambala Cantt. (Haryana)	Pathological microscope (Amendment 1)	IS 04381:67
89.	9123465	96/10	Renuka Cement Ltd. Village Patti Natha Singh Paonta Sahib 173025	43 grade ordinary Portland cement (first revision; (Amendments 3)	IS 08112:89
90.	9123162	96/10	Sirmur Allied & Cement Inds. (P) Ltd. Village Muglanwala Kartarpur P.O. Rajban Teh : Paonta Sahib Sirmur	43 grade ordinary Portland cement (first revision) (Amendments 3)	IS 08112:89
91.	9124265	96/10	Alvin Cement Pvt. Ltd. 170 Village Bahloipur Mandhana Kanpur Dehat	33 grade ordinary portland cement (fourth revision; (Amendments 3)	IS 00269:89
92.	9121966	96/10	Paras Foundry 68 Industrial Estate Nunhai Agra	Sand cast iron spigot and socket soil waste and ventilating pipes, fitting and accessories (first revision) (Amendments 3)	IS:01729:79
93.	9121663	96/10	Fabrako Engineers E-6, Industrial Area Amawan Road Rae Bareli	Solid bio-mass Chulha; Part 1 Portable (metallic) (Amendments 2)	IS 13152:91 (Part 01)
94.	7117359	96/10	Bright Engineers 8, 9 and 13 Yamuna Estate Behind Sonia Ceramic Anil Road 380025	Submersible pumpsets (first revision) (Amendments 3)	IS 08034:89
95.	9124770	96/10	Sangam Industries 3123, Indl. Area Phase II Chandigarh	Electric instantaneous water heaters (second revision) (Amendment 1)	IS 08978:92
96.	9123263	96/10		Bitumen felts for water proofing and damp-proofing (Fourth revision)	IS 01322:93
97.	8166175	96/10	Continental Milkose (India) Ltd. Village Hambilpur Near Surajpur Noida Dadri Main Road Ghaziabad Tehsil Dadri	Milk powder (Fourth revision) (Amendment 1)	IS 01165:92
98.	8168078	96/10	Surgi AID (India)	Handloom cotton bandage cloth, non- sterilized (second revision) (Amendment 1)	IS 00863:88

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

MINISTRY OF PETROLEUM &
NATURAL GAS

नई दिल्ली, 4 जून, 1999

New Delhi, the 4th June, 1999

का.आ.1824:— केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और गैस मंत्रालय के नियंत्रणाधीन सरकारी क्षेत्र के उपक्रमों के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत कर्मचारी वृद्ध ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

S.O. 1824.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for official purposes of the union) Rules, 1976; the Central Government hereby notifies the following offices of the Public Sector Undertakings under the administrative control of the Ministry of Petroleum and Natural Gas, the 80 percent staff whereof have acquired Working knowledge of Hindi :—

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लि.

Hindustan Petroleum Corporation Ltd.

1. औरंगाबाद भण्डई संयंत्र,
एच-1,एम.आई.डी.सी. चिकल ठाणा
औरंगाबाद-431210
2. कलकत्ता क्षेत्रीय कार्यालय,
इंडस्ट्री हाउस, 8वां तल, 10 कैमक स्ट्रीट,
कलकत्ता-700017

1. Aurangabad Bottling Plant,
H-1, M.I.D.C. Chikal Thana,
Aurangabad-431210

2. Calcutta Regional Office,
Industry House, 8th Floor,
10 Camac Street,
Calcutta-700017

इंडियन ऑयल कॉर्पोरेशन लि.

Indian Oil Corporation Ltd.

3. प्रचालन प्रबंधक,
सलाया मथुरा पाइपलाइन,
कोट, जिला पाली-306701
4. मुख्य प्रचालन प्रबंधक,
बराणी कानपुर पाइपलाइन
बराणी, जिला बेगूसराय-851114
5. वरिष्ठ प्रचालन प्रबंधक,
मथुरा सलाया पाइपलाइन
मथुरा रिफाइनरी, मथुरा-281005
6. प्रचालन प्रबंधक,
मथुरा जालंधर पाइपलाइन
अम्बाला कैंट-133001
7. उप प्रबंधक (प्रचालन),
सलाया मथुरा पाइपलाइन
आबू रोड, राजस्थान-307026

3. Operation Manager,
Salaya-Mathura Pipeline,
KOT, District Pali-306701
4. Chief Operation Manager,
Barauni-Kanpur Pipeline,
Barauni, District Begusarai-851114
5. Senior Operation Manager,
Mathura-Salaya Pipeline,
Mathura Refinery, Mathura-281005
6. Operation Manager,
Mathura-Jallundhar Pipeline,
Ambala Cantt-133001
7. Deputy Manager (Operation)
Salaya-Mathura Pipeline,
Abu Road, Rajasthan-307026

आई बी पी कं.लि.

IBP Company Ltd.

8. आई बी पी कं.लि.,
ए-4, पंचशील विहार, हरी मार्ग
जयपुर ।

8. IBP Company Ltd.
A-4, Panchshil Vihar Hari Marg,
Jaipur.

[म. 11011/98-99-हिन्दी]

[No. 11011/1/98-99-Hindi]

कृष्ण कान्त, उपा निदेशक (रा.भा.)

K. K. JHA, Dy. Director (OL)

नई दिल्ली, 16 जून, 1999

का.आ. 1825. केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाईप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 386 तारीख 06.02.99, द्वारा भारत पेट्रोलियम कारपोरेशन लिमिटेड परिष्कारणी से तमिलनाडु राज्य के कोचीन से करूर तक मोटर स्प्रिट, उच्च कोटि किरोसिन तेल और उच्च वर्ग डीजल के परिवहन के लिए सी.सी.के. पेट्रोनेट द्वारा पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को क्रमशः तारीख 18.02.99 से 27.03.99 तक उपलब्ध करा दी गई थी ;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है ;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लगनों से मुक्त होकर पेट्रोनेट सी. सी. के. लिमिटेड में निहित होंगे।

अनुसूची

तालुका - तिरुपुर

जिला - कोयम्बटूर

राज्य - तमिलनाडु

गाँव का नाम	सर्वेक्षण संख्या	हेक्टेयर	आरे	वर्ग मीटर
कान्डयानकोविल	1096/1C	0	33	65
	1096/1A	0	04	33
	1094/3	0	00	24
	1097/2	0	00	64
	1094/2	0	00	68
	1097/1	0	26	62
	1092/2B	0	20	03
	1092/2A	0	34	34
	1092/1	0	21	49
	1091	0	14	94
	1090/1	0	10	61
	1090/2	0	35	09
	1090/3	0	02	09
	1127/1	0	02	72
	695/13	0	05	78
	699/1C	0	14	34
	699/1A	0	12	48
	699/1B	0	08	68
	697/3	0	02	58
	697/2	0	16	82
	697/1	0	09	23
	696/3B4	0	02	63
	696/2B2	0	10	21
	696/2B1	0	10	73
	696/1B2	0	07	87
	637/3	0	05	93
	637/1C	0	05	92
	637/1A	0	05	26
	640/3	0	18	55
	640/2	0	19	42
	641/1F	0	04	31
	641/1E	0	08	46
	641/1D	0	10	37
	641/1C	0	22	26
	641/2	0	01	52
	643/4C	0	15	50
	643/4B	0	24	14
	644/B	0	00	95
	643/1A	0	00	33

1	2	3	4	5
कान्छानकोविस	644/1	0	11	10
	604/1	0	15	97
	603/1G	0	27	31
	603/1D	0	02	98
	602/3	0	03	17
	602/1	0	09	35
	591/9	0	18	07
	591/7	0	11	14
	591/5	0	01	34
	591/2	0	07	40
	591/1	0	05	20
	592/2C	0	09	02
	592/2A	0	01	13
	592/1B	0	00	27
	593/1	0	01	07
	593/2	0	00	13
	584/18	0	07	02
	584/17	0	00	29
	584/16	0	04	88
	584/12	0	01	25
	584/13	0	02	61
	584/14	0	03	65
	584/15	0	05	01
	584/8	0	00	46
	583/3E	0	02	88
	583/3D	0	03	64
	583/3B	0	04	80
	583/3A	0	00	88
	583/2B	0	04	37
	583/2A	0	03	45
	583/1	0	09	65
	582/3A	0	07	89
	579/4C2	0	00	58
	579/4C1	0	03	78
	579/4A	0	00	88
	579/4A1	0	06	18
	579/3A2	0	02	51
	579/3A1	0	04	56
	579/2A	0	12	13
	567	0	00	57
	568/2D	0	19	02
	568/2C	0	00	56
	568/A	0	20	40
	565	0	22	37

1	2	3	4	5
आला गुमलाई	64	0	31	74
	65/4C	0	09	78
	65/4B	0	09	51
	65/2A	0	01	16
	65/1B	0	19	86
	59/4	0	23	14
	59/3D	0	06	86
	59/3B	0	07	56
	59/2B3	0	11	30
	59/1B	0	04	55
	59/1A	0	05	27
	81/2E	0	03	97
	81/2D	0	05	18
	81/2B	0	04	84
	81/2A	0	11	39
	88/1B3	0	05	32
	88/1B2	0	06	71
	88/1B1	0	11	04
	94/3C	0	06	28
	94/3B	0	02	98
	94/3A	0	02	54
	94/2B	0	01	44
	95	0	01	62
	48	0	07	90
	51/3	0	17	45
	115/2B	0	49	95
	114/2B	0	32	47
	122/1D	0	24	51
	122/2	0	03	02
	122/1C	0	04	30
	122/1B	0	21	00
	122/1A	0	00	92
अधिनाशी पासायाम (उत्तरी)	322/3C	0	20	88
	322/3E	0	00	70
	322/2G	0	11	10
	322/3H	0	20	62
	317/3	0	32	46
	317/2	0	03	41
	319	0	03	74

1	2	3	4	5
उमिन्नाशी पालाग्राम (उत्तरी)	104/1	0	17	48
	104/3	0	11	18
	105/1	0	05	01
	105/3	0	09	87
	105/2	0	01	93
	105/4	0	05	68
	106/2B	0	27	45
	108/3	0	07	68
	108/4	0	31	33
	95/4	0	07	13
	95/3	0	18	99
	95/6	0	01	02
	95/7	0	06	67
	93/3	0	28	99
	89/1A	0	00	12
	89/1C	0	11	25
	89/2	0	14	21
	89/3	0	13	47
दौनाटीपालायाम	419/2	0	01	91
	420/2C	0	16	94
	420/1B	0	01	30
	420/2A1	0	11	17
	446/2A7	0	00	42
	446/2A6	0	10	49
	446/2A2	0	08	63
	446/1A1	0	03	96
	446/1A2	0	11	04
	444/1A1	0	12	24
	444/2C	0	32	19
	449/2A2	0	04	35
	449/1B2	0	26	80
	449/2A2	0	00	23
	461/3	0	10	91
	461/2A	0	13	44
	465/1B	0	04	04
	465/4A	0	12	77
	465/3A	0	14	98
	465/2	0	04	61
	464/1C	0	09	79
	464/1A	0	38	69

1	2	3	4	5
उमयानूर	189/1C	0	19	34
	188	0	39	80
	187/3	0	17	02
	187/2	0	25	45
	186/1B	0	18	24
	186/1A	0	10	45
	185/2	0	01	59
	185/1	0	06	76
	184/2	0	17	64
	184/1	0	15	46
	181/2B	0	30	20
	181/2A	0	12	84
	269/2B	0	09	99
	269/1A	0	14	85
	270/1	0	12	25
	271/1A	0	03	91
	266/2	0	10	49
	266/1	0	07	68
	267/2	0	10	07
	267/1A	0	01	83
	263/5	0	03	37
	263/4	0	19	79
	260/2B	0	05	49
	260/2A	0	14	18
	260/1	0	26	47
	301/3	0	00	89
	301/2	0	12	86
	301/1	0	18	53
	300	0	22	52
	296/1	0	21	46
	371	0	14	94
	370	0	00	20
	372/2	0	26	38
	366	0	13	46
	367	0	05	07
	364	0	24	86
	362	0	42	79
	584	0	14	38
	580/2	0	19	29
	580/1	0	14	39
	578/2	0	18	61

बनुसूची

तालु : पालाडेम

जिल्ला - कोयम्बटूर

राज्य - महाराष्ट्र

गाँव का नाम 1	सर्वेक्षण संख्या 2	हेक्टेयर 3	अरे 4	वर्ग मी० 5
गानापाधीपालायाम	587/1A	0	22	20
	587/2A1	0	13	44
	586/1	0	09	41
	586/3A3	0	10	02
	586/3B2	0	09	58
	591/1A	0	12	53
	591/1B	0	00	49
	593/3	0	13	04
	594/3	0	43	21
	598/1	0	37	96
	597	0	01	81
	600	0	22	29
	618/1	0	02	00
	618/2	0	20	85
	618/3	0	18	84
	622/2A	0	00	84
	620/1	0	33	45
	226	0	02	88
	228	0	17	78
	261/3	0	30	71
	263	0	00	27
	264/1	0	52	96
	265/3	0	27	04
	265/5	0	00	41
	345/3	0	02	43
	244/1A	0	10	19
	344/1B	0	12	68
	344/2	0	04	41
	344/4	0	16	56
	342/1	0	09	52
	342/2C	0	30	53
	331/1D	0	24	56
	332/1A	0	00	18
	332/1C	0	09	40
	332/3	0	17	58
	333/1	0	40	28
	326/1	0	15	23
	326/2	0	03	97
	325	0	27	45
	335	0	13	67
	336	0	36	72

1	2	3	4	5
शानापाथीपालायाम	378/1	0	22	75
	378/2	0	04	23
	377/2	0	18	96
	387/3	0	52	10
	388	0	00	27
	390	0	53	89
	451	0	24	78
	452/1	0	28	34
	454/2A1	0	21	40
	454/2B	0	09	23
	456/1	0	52	89
	463	0	24	85
	464	0	19	28
	493	0	11	49
	495	0	38	33
	496/6	0	08	42
	503	0	03	44
	502/2A1	0	09	76
	502/2A2	0	10	44
	503/2B	0	08	75
	501/1B	0	15	35
	501/2	0	06	90
	508/1A	0	02	77
नारानापुरम्	435/1A1	0	13	49
	435/1B	0	10	52
	434/1	0	07	82
	434/2	0	08	43
	434/3	0	04	03
	434/4	0	01	80
	434/7	0	09	98
	432/6	0	18	35
	431	0	00	60
	428/4	0	03	07
	429	0	43	35
	402	0	17	38
	416/1	0	14	55
	416/2A	0	15	31
	416/3	0	26	06
	422/1A	0	24	14
	377/1C	0	19	03
	377/2	0	03	84
	379/1	0	02	77

1	2	3	4	5
निरानापुरम्	379/2A	0	03	31
	379/2B	0	22	21
	399/1	0	00	76
	399/2	0	45	04
	397	0	32	21
	376/2	0	02	05
	376/1	0	44	35
पारला डेम	114	0	35	63
	115	0	35	71
	121/2A	0	24	39
	121/1A	0	21	47
	125/2B	0	14	12
	125/2A	0	19	99
	135	0	05	83
	134	0	46	73
	162	0	02	34
	164/1L	0	05	65
	164/1F	0	25	19
	164/1G	0	00	25
	164/1B	0	02	62
	165/4	0	10	91
	165/2	0	01	26
	165/1	0	02	65
	154/6	0	01	52
	166/1B	0	04	96
	166/1A	0	13	67
	153/3	0	00	49
	167/2	0	05	99
	153/2	0	07	87
	167/1A4	0	10	49
	152/2D	0	01	46
	152/2C	0	20	15
	152/2B	0	12	03
	152/2A	0	06	92

1	2	3	4	5
सुकमपालायाम	394/2	0	28	61
	393/5	0	07	34
	393/6	0	02	70
	407/1	0	14	94
	390/1	0	06	35
	390/2	0	17	69
	390/5	0	21	08
	382/3A	0	04	23
	382/3B	0	07	11
	384/3E	0	09	84
	383/5	0	23	23
	384/2A1	0	04	30
	362/1	0	24	90
	363/1A	0	04	88
	363/1B	0	05	03
	363/2	0	08	44
	363/4B	0	01	52
	366/2A	0	06	85
	366/2B	0	09	55
	365/1A	0	10	99
	350/2	0	25	33
	344	0	28	53
	339	0	26	09
	336	0	33	21
	332	0	30	68
	330	0	06	30
	329	0	21	73
	322	0	18	31
	323	0	36	16
	319	0	52	44
	317	0	32	95
	310	0	32	50
	308	0	40	49
	300	0	20	66
	199	0	22	98
	198	0	25	59
	197	0	27	68
	196	0	38	54

1	2	3	4	5
कोटान्नीपालायाम	194/1	0	20	55
	193	0	18	60
	195/2	0	05	50
	196/1	0	08	66
	196/2	0	05	48
	196/3	0	07	90
	196/4	0	00	89
	197/2	0	32	62
	191/1	0	18	78
	191/2	0	24	82
	175/A	0	41	74
	175/B/1E	0	05	37
	175/B/1D	0	00	76
	175/B/1F	0	02	64
	175/B/1G	0	01	58
	175/B/1H	0	02	96
	172/1C	0	02	32
	172/1E	0	09	25
	172/1G	0	04	97
	172/1H	0	18	95
	172/1F	0	03	54
	171	0	22	91
	157	0	03	69
	156/2	0	08	93
	156/3	0	05	97
	155	0	11	19
	153	0	22	72
	137/1	0	26	25
	138	0	05	18
	126	0	13	28
	125	0	11	01
	112	0	34	39
	113/4B	0	10	10
	113/4C	0	09	97
	113/5B	0	03	65
	113/6	0	13	96
	113/5C	0	04	34
	104/2	0	23	23
	104/3	0	23	71

1	2	3	4	5
कोडन्गीपालायाम	88/2B	0	12	57
	88/2A	0	10	92
	88/2C	0	04	71
	88/2D	0	15	17
	88/2H	0	15	54
	84	0	27	85
	85	0	36	31
	74	0	21	92
	50	0	19	78
	49/2	0	33	35
	43/2A	0	18	93
	44	0	11	34
	43/2B	0	11	06
	19	0	31	19
	18/1D	0	04	82
	20/2	0	36	00
	16/3	0	01	55
	21	0	00	98
	15	0	21	24
	14/1	0	09	49
	14/2	0	00	11
	301/1A	0	33	38
	300/1	0	08	11
	300/2	0	04	49
	300/3	0	04	62
	300/4	0	05	69
	300/5	0	05	90
	298/1	0	04	53
	298/2	0	08	59
	297/1	0	13	45
	297/2	0	28	34
	294/1	0	06	32

1	2	3	4	5
कादमबाड़ी	135/6	0	93	60
	135/8	0	12	20
	135/11	0	02	34
	136/3B	0	24	23
	179/1	0	29	68
	178	0	18	85
	177/1	0	03	22
	177/2	0	06	43
	176/2A	0	09	45
	176/1B	0	04	01
	176/1C	0	02	62
	176/1D	0	02	52
	176/1E	0	07	09
	175/1A	0	12	01
	175/1D	0	01	68
	174/1C	0	08	31
	174/1D	0	10	48
	174/2A	0	05	41
	174/2C	0	05	57
	174/2B	0	09	32
	193/1	0	11	60
	193/2	0	09	71
	193/4A	0	10	50
	193/4B	0	05	95
	193/4D	0	01	59
	199/1	0	06	27
	199/2	0	05	35
	199/3	0	04	63
	199/6	0	25	10
	313	0	06	88
	312	0	08	91
	311/2	0	00	09
	311/1	0	10	14
	311/3	0	01	41
	311/4	0	09	12
	311/5	0	26	12
	278/1	0	11	33
	278/2	0	11	27
	278/4	0	09	25
	278/5	0	11	94
	277/2A	0	25	15

1	2	3	4	5
काण्मबाड़ी	277/2B	0	10	00
	275/7	0	00	35
	275/10	0	17	53
	275/9	0	15	18
	275/22	0	00	58
	274/1A	0	26	67
	274/1C	0	25	13
कन्नायामपासायाम	2	0	12	01
	1	0	44	74
	8	0	22	12
	9	0	66	36
सुत्तुर	242	0	06	06
	241/1	0	09	96
	241/2	0	00	61
	244	0	15	80
	240/1	0	00	25
	235	0	16	24
	234	0	10	75
	221	0	10	04
	224/1	0	06	69
	225/2	0	05	61
	225/3	0	04	96
	208	0	03	83
	204/1B	0	04	92
	204/1A	0	07	67
	204/1C	0	07	87
	203	0	09	24
	200	0	10	82
	190/2	0	09	60
	191/2	0	09	02
	192/2	0	13	43
	194	0	00	69
	193	0	05	14
	159/1	0	05	68
	159/3	0	07	18
	157	0	06	83
	153/2	0	01	29
	153/1	0	08	07
	152/1	0	01	24
	149	0	03	93
	150	0	04	57
	151/1	0	00	86

1	2	3	4	5
सुसुर	128/2	0	07	03
	45/1	0	11	19
	40/2A	0	20	93
	40/2B	0	01	99
	38/2A	0	07	19
	38/2D	0	05	16
	38/2E	0	04	93
	38/2F	0	03	41
	37	0	07	34
	35/1A	0	03	06
	35/1B	0	05	20
	32/2B	0	06	66
	30	0	07	09
	29/3	0	08	33
	29/1B2	0	08	72
	28/2A	0	06	75
	28/2B	0	00	38
	20/2	0	07	65
	18/2B	0	14	78
	17/2	0	12	94
	14/5	0	06	33
	13/1	0	08	10
	13/2A	0	04	60
	13/2B	0	02	18
	13/3A	0	02	75
	13/3C	0	02	94
	12/2B	0	06	89
	11/1C	0	14	94
	8/2B	0	01	87
	7/2A	0	06	16
	7/3A	0	20	06
	7/3B	0	01	51
	7/4	0	01	19
	5/1A2	0	06	90
	5/1B	0	02	92
	5/2C	0	25	61
हरनुर	580	0	12	57
	581	0	36	56
	582	0	32	51
	584	0	13	25
	585	0	17	39
	589	0	65	14
	593/3	0	06	43
	593/2	0	14	52
	593/1	0	16	53

1	2	3	4	5
इरगुर	592	0	42	63
	602/1	0	11	50
	603/3	0	43	63
	603/5	0	20	46
	603/6	0	04	94
	619/3B	0	10	35
	619/4B	0	13	51
	619/6D	0	16	24
	618/3	0	01	63
	618/2A	0	01	04
	619/9C	0	00	16
	618/2B	0	22	53
	619/9E	0	16	66
	623/3C	0	30	47
	679/2A	0	01	38
	679/2B	0	17	94
	680/2C	0	34	44
	680/2D	0	02	04
	680/2F	0	03	40
	771/2	0	03	81
	711/3	0	27	63
	712/2B	0	17	38
	712/2C	0	01	02
	712/2D	0	15	02
	714/1	0	09	76
	714/2A	0	05	24
	701/1A	0	20	20
	702/3B	0	12	65
	702/2C	0	17	48
	702/2A	0	00	22
	699/1A	0	05	72
	699/1B	0	05	09
	698	0	18	51
	695	0	31	05
	695/1B	0	12	86
	692/1A2C	0	15	58
	692/1A2B3	0	01	32
	693/4A1	0	08	06
	693/3	0	08	65
नीलाम्बुर	339/1C2	0	05	74
	339/1E1	0	15	24
	338/1	0	06	78
	338/2A	0	02	48
	337/1B	0	06	22
	339/1B2	0	24	22
	336/3A	0	07	57
	336/1A	0	04	42
	334/2B	0	19	47

अनुसूची

तालुका: कोयम्बटूर (दक्षिण)

जिला: कोयम्बटूर

राज्य : महाराष्ट्र

गाँव का नाम 1	सर्वेक्षण संख्या 2	हेक्टेयरस 3	और 4	बर्ग. मी० 5
गंधुकराई	749	0	13	03
	748	0	07	44
	751/3	0	02	25
	737	0	33	89
	733	0	01	93
	734	0	09	33
	718	0	19	82
	713	0	09	13
	707	0	01	28
	708	0	14	87
	709	0	21	32
	710	0	10	42
	703	0	33	15
	702	0	00	73
	670/2	0	22	59
थिरुमालायामपलायाम	223/2	0	00	20
	212/2	0	30	25
	212/1	0	09	03
	212	0	00	69
	213/2	0	10	50
	214/3	0	06	16
	214/4	0	01	43
	214/2	0	03	64
	214/1	0	12	84
	218/1	0	03	46
	217/1	0	02	54
	215/2A	0	23	71
	215/2B	0	01	17
	215/3	0	18	00
	207/3	0	26	46
	207/2	0	17	99
	206/3	0	08	18
	267/3A	0	00	21
	267/3B	0	02	15
	267/1B	0	23	56
	275/2B	0	12	65
	275/2C	0	13	49
	275/2A	0	12	81
	274	0	06	08

1	2	3	4	5
थिहमासायगपासायाम	273	0	23	25
	280/2A9	0	22	70
	280/12	0	00	46
	280/13	0	01	87
	280/2A4	0	03	27
	280/14	0	02	29
	280/15	0	05	20
	280/2A	0	00	34
	280/1A5	0	00	45
	280/1D	0	01	64
	280/1C	0	03	17
	280/1B	0	01	38
	296/1	0	08	00
	294/1H	0	23	39
	294/1G	0	05	99
	294/2B	0	32	41
	299/1A	0	34	56
	291	0	14	09
	290	0	24	13
	285/2	0	07	62
	74	0	42	51
	77/1	0	26	86
	77/2A	0	10	72
	80/1C	0	26	05
	83/3	0	03	04
	83/1	0	13	06
	81/3D	0	07	76
	81/3C2	0	06	27
	82/1B	0	08	28
	82/3	0	00	87
	82/4	0	14	99
	104	0	26	97
	102	0	00	40
	105	0	08	11
	109/4A1	0	41	12
	109/4A2	0	20	87
	109/3	0	22	58
	112/1A	0	06	44

1	2	3	4	5
थिक्मालायामपालायाम	114	0	23	45
	113	0	04	57
	03.	0	08	15
	07	0	16	47
	8/1	0	13	90
	06	0	00	49
	5/2	0	27	05
	03	0	04	66
पिथानुर	577	0	04	61
	575/1	0	11	27
	575/3	0	14	12
	574/1	0	02	84
	235/1B	0	10	03
	236/1B	0	25	12
	236/2		14	73
	553/1B	0	05	01
	544/2B	0	16	51
	544/2A	0	00	09
	544/2C	0	02	33
	543/1B	0	18	31
	536/1	0	10	95
	536/2	0	01	70
	536/3	0	04	10
	538/2	0	16	36
	539/2	0	02	88
	255/2	0	02	91
	255/1	0	44	86
	271/2	0	33	06
	291/1A	0	25	64
	292/1	0	01	90
	291/2A	0	01	29
	291/2C	0	20	09
	291/2B	0	02	76
	293/2B	0	19	60
	293/2C	0	02	14
	293/2E	0	13	54
	293/4B	0	04	00
	293/2D	0	00	20
	293/4A	0	15	94
	293/3	0	03	96
	294/3C	0	08	57

1	2	3	4	5
पिथानुर	287/1A	0	07	58
	295/1A	0	01	20
	295/1B	0	15	95
	295/2C	0	12	83
	295/2F	0	15	99
	295/2D	0	00	56
	295/2A	0	04	06
	295/2B	0	00	96
	295/2E	0	00	10
	295/4	0	17	77
	311/1	0	02	19
	311/2	0	02	28
	310/1	0	07	67
	310/2	0	00	13
	309/2	0	00	79
	309/5	0	06	13
	309/7	0	06	20
	309/8	0	09	48
	298/2B	0	17	62
	298/2E	0	00	82
	299/3A	0	15	90
	299/3B	0	06	24
	306/1	0	24	12
	302/1C	0	15	45
	302/1B	0	17	80
	303/1B	0	19	66
	334	0	22	07
	335/2	0	01	78
	335/3	0	09	57
	336/2	0	19	20
	336/3	0	11	36
	337	0	07	95
	338/1	0	12	15
	339/3	0	11	69
	340/2	0	22	19
	345/1	0	10	64
	345/4	0	10	65
	348	0	22	17
	347	0	07	79
	350	0	37	90

[फा. सं. आर-31015/5/98-जो. आर.-II]

एस. चन्द्रसेखर, अवर सचिव

New Delhi, the 16th June, 1999

S.O. 1825.— WHEREAS by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 386 dated 06.02.99 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962, (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the said land specified in the schedule appended to that notification for the purpose of laying pipeline for the transport of Motor, Sprit, Superior Kerosene Oil and High speed Diesel from Refinery of Bharat Petroleum Corporation Limited, Cochin to Karur in the State of Tamil Nadu and a pipeline should be laid by Petronet CCK Limited;

AND, WHEREAS, copy of the said Gazette notification has been made available to the public from 18.02.99 to 27.03.99 ;

AND, WHEREAS, the competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

AND WHEREAS the Central Government after considering the said report, is satisfied that the right of user in the land specified in the schedule appended notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the lands specified in the schedule appended to this notification are hereby acquired ;

AND, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Petronet CCK Limited.

SCHEDULE

TALUK: TIRUPPUR

DISTRICT: COIMBATORE

STATE: TAMILNADU

Name of the village 1	Survey No. 2	Hect 3	Ares 4	Sq. Mts. 5
KANDIANKOIL	1096/1C	0	33	65
	1096/1A	0	04	33
	1094/3	0	00	24
	1097/2	0	00	64
	1094/2	0	00	68
	1097/1	0	26	62
	1092/2B	0	20	03
	1092/2A	0	34	34
	1092/1	0	21	49
	1091	0	14	94
	1090/1	0	10	61
	1090/2	0	35	09
	1090/3	0	02	09
	1127/1	0	02	72
	695/13	0	05	78
	699/1C	0	14	34
	699/1A	0	12	48
	699/1B	0	08	68
	697/3	0	02	58
	697/2	0	16	82
	697/1	0	09	23
	696/3B4	0	02	63
	696/2B2	0	10	21
	696/2B1	0	10	73
	696/1B2	0	07	87
	637/3	0	05	93
	637/1C	0	05	92
	637/1A	0	05	26
	640/3	0	18	55
	640/2	0	19	42
	641/1F	0	04	31
	641/1E	0	08	46
	641/1D	0	10	37
	641/1C	0	22	26
	641/2	0	01	52
	643/4C	0	15	50
	643/4B	0	24	14
	644/B	0	00	95
	643/1A	0	00	33

1	2	3	4	5
KANDIANKOVIL	644/1	0	11	10
(CONT)	604/1	0	15	97
	603/1G	0	27	31
	603/1D	0	02	98
	602/3	0	03	17
	602/1	0	09	35
	591/9	0	18	07
	591/7	0	11	14
	591/5	0	01	34
	591/2	0	07	40
	591/1	0	05	20
	592/2C	0	09	02
	592/2A	0	01	13
	592/1B	0	00	27
	593/1	0	01	07
	593/2	0	00	13
	584/18	0	07	02
	584/17	0	00	29
	584/16	0	04	88
	584/12	0	01	25
	584/13	0	02	61
	584/14	0	03	65
	584/15	0	05	01
	584/8	0	00	46
	583/3E	0	02	88
	583/3D	0	03	64
	583/3B	0	04	80
	583/3A	0	00	88
	583/2B	0	04	37
	583/2A	0	03	45
	583/1	0	09	65
	582/3A	0	07	89
	579/4C2	0	00	58
	579/4C1	0	03	78
	579/4A	0	00	88
	579/4A1	0	06	18
	579/3A2	0	02	51
	579/3A1	0	04	56
	579/2A	0	12	13
	567	0	00	57
	568/2D	0	19	02
	568/2C	0	00	56
	568/A	0	20	40
	565	0	22	37

1	2	3	4	5
ALAGUMALAI	64	0	31	74
	65/4C	0	09	78
	65/4B	0	09	51
	65/2A	0	01	16
	65/1B	0	19	86
	59/4	0	23	14
	59/3D	0	06	86
	59/3B	0	07	56
	59/2B3	0	11	30
	59/1E	0	04	55
	59/1A	0	05	27
	81/2E	0	03	97
	81/2D	0	05	18
	81/2B	0	04	84
	81/2A	0	11	39
	88/1B3	0	05	32
	88/1B2	0	06	71
	88/1B1	0	11	04
	94/3C	0	06	28
	94/3B	0	02	98
	94/3A	0	02	54
	94/2B	0	01	44
	95	0	01	62
	48	0	07	90
	51/3	0	17	45
	115/2B	0	49	95
	114/2B	0	32	47
	122/1D	0	24	51
	122/2	0	03	02
	122/1C	0	04	30
	122/1B	0	21	00
	122/1A	0	00	92
AVANASHIPALAYAM (NORTH)	322/3C	0	20	88
	322/3E	0	00	70
	322/2G	0	11	10
	322/3H	0	20	62
	317/3	0	32	46
	317/2	0	03	41
	319	0	03	74
	104/1	0	17	48
	104/3	0	11	18

1	2	3	4	5
AVANASHIPALAYAM (NORTH)	105/1	0	05	01
	105/3	0	09	87
	105/2	0	01	93
	105/4	0	05	68
	106/2B	0	27	45
	108/3	0	07	68
	108/4	0	31	33
	95/4	0	07	13
	95/3	0	18	99
	95/6	0	01	02
	95/7	0	06	67
	93/3	0	28	99
	89/1A	0	00	12
	89/1C	0	11	25
	89/2	0	14	21
	89/3	0	13	47
THONGATTIPALAYAM	419/2	0	01	91
	420/2C	0	16	94
	420/1B	0	01	30
	420/2A1	0	11	17
	446/2A7	0	00	42
	446/2A6	0	10	49
	446/2A2	0	08	63
	446/1A1	0	03	96
	446/1A2	0	11	04
	444/1A1	0	12	24
	444/2C	0	32	19
	449/2A2	0	04	35
	449/1B2	0	26	80
	449/2A2	0	00	23
	461/3	0	10	91
	461/2A	0	13	44
	465/1B	0	04	04
	465/4A	0	12	77
	465/3A	0	14	98
	465/2	0	04	61
	464/1C	0	09	79
	464/1A	0	38	69

1	2	3	4	5
UGAYANUR	189/1C	0	19	34
	188	0	39	80
	187/3	0	17	02
	187/2	0	25	45
	186/1B	0	18	24
	186/1A	0	10	45
	185/2	0	01	59
	185/1	0	06	76
	184/2	0	17	64
	184/1	0	15	46
	181/2B	0	30	20
	181/2A	0	12	84
	269/2B	0	09	99
	269/1A	0	14	85
	270/1	0	12	25
	271/1A	0	03	91
	266/2	0	10	49
	266/1	0	07	68
	267/2	0	10	07
	267/1A	0	01	83
	263/5	0	03	37
	263/4	0	19	79
	260/2B	0	05	49
	260/2A	0	14	18
	260/1	0	26	47
	301/3	0	00	89
	301/2	0	12	86
	301/1	0	18	53
	300	0	22	52
	296/1	0	21	46
	371	0	14	94
	370	0	00	20
	372/2	0	26	38
	366	0	13	46
	367	0	05	07
	364	0	24	86
	362	0	42	79
	584	0	14	38
	580/2	0	19	29
	580/1	0	14	39
	578/2	0	18	61

TALUK: PALLADAM**DISTRICT: COIMBATORE****STATE: TAMILNADU**

Name of the village 1	Survey No. 2	Hect 3	Ares 4	Sq.Mts 5
GANAPATHIPALAYAM	587/1A	0	22	20
	587/2A1	0	13	44
	586/1	0	09	41
	586/3A3	0	10	02
	586/3B2	0	09	58
	591/1A	0	12	53
	591/1B	0	00	49
	593/3	0	13	04
	594/3	0	43	21
	598/1	0	37	96
	597	0	01	81
	600	0	22	29
	618/1	0	02	00
	618/2	0	20	85
	618/3	0	18	84
	622/2A	0	00	84
	620/1	0	33	45
	226	0	02	88
	228	0	17	78
	261/3	0	30	71
	263	0	00	27
	264/1	0	52	96
	265/3	0	27	04
	265/5	0	00	41
	345/3	0	02	43
	244/1A	0	10	19
	344/1B	0	12	68
	344/2	0	04	41
	344/4	0	16	56
	342/1	0	09	52
	342/2C	0	30	53
	331/1D	0	24	56
	332/1A	0	00	18
	332/1C	0	09	40
	332/3	0	17	58
	333/1	0	40	28
	326/1	0	15	23
	326/2	0	03	97
	325	0	27	45
	335	0	13	67
	336	0	36	72

1	2	3	4	5
GANAPATHIPALAYAM (CONT.)	378/1	0	22	75
	378/2	0	04	23
	377/2	0	18	96
	387/3	0	52	10
	388	0	00	27
	390	0	53	89
	451	0	24	78
	452/1	0	28	34
	454/2A1	0	21	40
	454/2B	0	09	23
	456/1	0	52	89
	463	0	24	85
	464	0	19	28
	493	0	11	49
	495	0	38	33
	496/6	0	08	42
	503	0	03	44
	502/2A1	0	09	76
	502/2A2	0	10	44
	503/2B	0	08	75
	501/1B	0	15	35
	501/2	0	06	90
	508/1A	0	02	77
NARANAPURAM	435/1A1	0	13	49
	435/1B	0	10	52
	434/1	0	07	82
	434/2	0	08	43
	434/3	0	04	03
	434/4	0	01	80
	434/7	0	09	98
	432/6	0	18	35
	431	0	00	60
	428/4	0	03	07
	429	0	43	35
	402	0	17	38
	416/1	0	14	55
	416/2A	0	15	31
	416/3	0	26	06
	422/1A	0	24	14
	377/1C	0	19	03
	377/2	0	03	84
	379/1	0	02	77

1	2	3	4	5
NARANAPURAM (CONT..)	379/2A	0	03	31
	379/2B	0	22	21
	399/1	0	00	76
	399/2	0	45	04
	397	0	32	21
	376/2	0	02	05
	376/1	0	44	35
PALLADAM	114	0	35	63
	115	0	35	71
	121/2A	0	24	39
	121/1A	0	21	47
	125/2B	0	14	12
	125/2A	0	19	99
	135	0	05	83
	134	0	46	73
	162	0	02	34
	164/1L	0	05	65
	164/1F	0	25	19
	164/1G	0	00	25
	164/1B	0	02	62
	165/4	0	10	91
	165/2	0	01	26
	165/1	0	02	65
	154/6	0	01	52
	166/1B	0	04	96
	166/1A	0	13	67
	153/3	0	00	49
	167/2	0	05	99
	153/2	0	07	87
	167/1A4	0	10	49
	152/2D	0	01	46
	152/2C	0	20	15
	152/2B	0	12	03
	152/2A	0	06	92

1	2	3	4	5
SUKKAMPALAYAM	394/2	0	28	61
	393/5	0	07	34
	393/6	0	02	70
	407/1	0	14	94
	390/1	0	06	35
	390/2	0	17	69
	390/5	0	21	08
	382/3A	0	04	23
	382/3B	0	07	11
	384/3E	0	09	84
	383/5	0	23	23
	384/2A1	0	04	30
	362/1	0	24	90
	363/1A	0	04	88
	363/1B	0	05	03
	363/2	0	08	44
	363/4B	0	01	52
	366/2A	0	06	85
	366/2B	0	09	55
	365/1A	0	10	99
	350/2	0	25	33
	344	0	28	53
	339	0	26	09
	336	0	33	21
	332	0	30	68
	330	0	06	30
	329	0	21	73
	322	0	18	31
	323	0	36	16
	319	0	52	44
	317	0	32	95
	310	0	32	50
	308	0	40	49
	300	0	20	66
	199	0	22	98
	198	0	25	59
	197	0	27	68
	196	0	38	54

1	2	3	4	5
KODANGIPALAYAM	194/1	0	20	55
	193	0	18	60
	195/2	0	05	50
	196/1	0	08	66
	196/2	0	05	48
	196/3	0	07	90
	196/4	0	00	89
	197/2	0	32	62
	191/1	0	18	78
	191/2	0	24	82
	175/A	0	41	74
	175/B/1E	0	05	37
	175/B/1D	0	00	76
	175/B/1F	0	02	64
	175/B/1G	0	01	58
	175/B/1H	0	02	96
	172/1C	0	02	32
	172/1E	0	09	25
	172/1G	0	04	97
	172/1H	0	18	95
	172/1F	0	03	54
	171	0	22	91
	157	0	03	69
	156/2	0	08	93
	156/3	0	05	97
	155	0	11	19
	153	0	22	72
	137/1	0	26	25
	138	0	05	18
	126	0	13	28
	125	0	11	01
	112	0	34	39
	113/4B	0	10	10
	113/4C	0	09	97
	113/5B	0	03	65
	113/6	0	13	96
	113/5C	0	04	34
	104/2	0	23	23
	104/3	0	23	71

1	2		4	5
KODANGIPALAYAN (CONT.)	88/2B	0	12	57
	88/2A	0	0	92
	88/2C	0	04	71
	88/2D	0	15	17
	88/2H	0	15	54
	84	0	27	85
	85	0	36	31
	74	0	21	92
	50	0	19	78
	49/2	0	33	35
	43/2A	0	18	93
	44	0	11	34
	43/2B	0	11	06
	19	0	31	19
	18/1D	0	04	82
	20/2	0	36	00
	16/3	0	01	55
	21	0	00	98
	15	0	21	24
	14/1	0	09	49
	14/2	0	00	11
	301/1A	0	33	38
	300/1	0	08	11
	300/2	0	04	49
	300/3	0	04	62
	300/4	0	05	69
	300/5	0	05	90
	298/1	0	04	53
	298/2	0	08	59
	297/1	0	13	45
	297/2	0	28	34
	294/1	0	06	32

1	2	3	4	5
KADAMBADI	135/6	0	93	60
	135/8	0	12	20
	135/11	0	02	34
	136/3B	0	24	23
	179/1	0	29	68
	178	0	18	85
	177/1	0	03	22
	177/2	0	06	43
	176/2A	0	09	45
	176/1B	0	04	01
	176/1C	0	02	62
	176/1D	0	02	52
	176/1E	0	07	09
	175/1A	0	12	01
	175/1D	0	01	68
	174/1C	0	08	31
	174/1D	0	10	48
	174/2A	0	05	41
	174/2C	0	05	57
	174/2B	0	09	32
	193/1	0	11	60
	193/2	0	09	71
	193/4A	0	10	50
	193/4B	0	05	95
	193/4D	0	01	59
	199/1	0	06	27
	199/2	0	05	35
	199/3	0	04	63
	199/6	0	25	10
	313	0	06	88
	312	0	08	91
	311/2	0	00	09
	311/1	0	10	14
	311/3	0	01	41
	311/4	0	09	12
	311/5	0	26	12
	278/1	0	11	33
	278/2	0	11	27
	278/4	0	09	25
	278/5	0	11	94
	277/2A	0	25	15

1	2	3	4	5
KADAMBADI (CONT ..)	277/2B	0	10	00
	275/7	0	00	35
	275/10	0	17	53
	275/9	0	15	18
	275/22	0	00	58
	274/1A	0	26	67
	274/1C	0	25	13
KANGAYAMPALAYAM	2	0	12	01
	1	0	44	74
	8	0	22	12
	9	0	66	36
SULUR	242	0	06	06
	241/1	0	09	96
	241/2	0	00	61
	244	0	15	80
	240/1	0	00	25
	235	0	16	24
	234	0	10	75
	221	0	10	04
	224/1	0	06	69
	225/2	0	05	61
	225/3	0	04	96
	208	0	03	83
	204/1B	0	04	92
	204/1A	0	07	67
	204/1C	0	07	87
	203	0	09	24
	200	0	10	82
	190/2	0	09	60
	191/2	0	09	02
	192/2	0	13	43
	194	0	00	69
	193	0	05	14
	159/1	0	05	68
	159/3	0	07	18
	157	0	06	83
	153/2	0	01	29
	153/1	0	08	07
	152/1	0	01	24
	149	0	03	93
	150	0	04	57
	151/1	0	00	86

1	2	3	4	5
SULUR (CONT..)	128/2	0	07	03
	45/1	0	11	19
	40/2A	0	20	93
	40/2B	0	01	99
	38/2A	0	07	19
	38/2D	0	05	16
	38/2E	0	04	93
	38/2F	0	03	41
	37	0	07	34
	35/1A	0	03	06
	35/1B	0	05	20
	32/2B	0	06	66
	30	0	07	09
	29/3	0	08	33
	29/1B2	0	08	72
	28/2A	0	06	75
	28/2B	0	00	38
	20/2	0	07	65
	18/2B	0	14	78
	17/2	0	12	94
	14/5	0	06	33
	13/1	0	08	10
	13/2A	0	04	60
	13/2B	0	02	18
	13/3A	0	02	75
	13/3C	0	02	94
	12/2B	0	06	89
	11/1C	0	14	94
	8/2B	0	01	87
	7/2A	0	06	16
	7/3A	0	20	06
	7/3B	0	01	51
	7/4	0	01	19
	5/1A2	0	06	90
	5/1B	0	02	92
	5/2C	0	25	61
IRUGUR	580	0	12	57
	581	0	36	56
	582	0	32	51
	584	0	13	25
	585	0	17	39
	589	0	65	14
	593/3	0	06	43
	593/2	0	14	52
	593/1	0	16	53
	592	0	42	63
	602/1	0	11	50
	603/3	0	43	63
	603/5	0	20	46

1	2	3	4	5
IRUGUR (CONT..)	603/6	0	04	94
	619/3B	0	10	35
	619/4B	0	13	51
	619/6D	0	16	24
	618/3	0	01	63
	618/2A	0	01	04
	619/9C	0	00	16
	618/2B	0	22	53
	619/9E	0	16	66
	623/3C	0	30	47
	679/2A	0	01	38
	679/2B	0	17	94
	680/2C	0	34	44
	680/2D	0	02	04
	680/2F	0	03	40
	771/2	0	03	81
	711/3	0	27	63
	712/2B	0	17	38
	712/2C	0	01	02
	712/2D	0	15	02
	714/1	0	09	76
	714/2A	0	05	24
	701/1A	0	20	20
	702/3B	0	12	65
	702/2C	0	17	48
	702/2A	0	00	22
	699/1A	0	05	72
	699/1B	0	05	09
	698	0	18	51
	695	0	31	05
	695/1B	0	12	86
	692/1A2C	0	15	58
	692/1A2B3	0	01	32
	693/4A1	0	08	06
	693/3	0	08	65
NILAMBUR	339/1C2	0	05	74
	339/1E1	0	15	24
	338/1	0	06	78
	338/2A	0	02	48
	337/1B	0	06	22
	339/1B2	0	24	22
	336/3A	0	07	57
	336/1A	0	04	42
	334/2B	0	19	47

TALUK: COIMBATORE (SOUTH)
STATE: TAMILNADU

DISTRICT: COIMBATORE

Name of the village 1	Survey No. 2	Hect 3	Ares 4	Sq.Mts. 5
MADUKKARAI	749	0	13	03
	748	0	07	44
	751/3	0	02	25
	737	0	33	89
	733	0	01	93
	734	0	09	33
	718	0	19	82
	713	0	09	13
	707	0	01	28
	708	0	14	87
	709	0	21	32
	710	0	10	42
	703	0	33	15
	702	0	00	73
	670/2	0	22	59
THIRUMALAIYAM PALAYAM	223/2	0	00	20
	212/2	0	30	25
	212/1	0	09	03
	212	0	00	69
	213/2	0	10	50
	214/3	0	06	16
	214/4	0	01	43
	214/2	0	03	64
	214/1	0	12	84
	218/1	0	03	46
	217/1	0	02	54
	215/2A	0	23	71
	215/2B	0	01	17
	215/3	0	18	00
	207/3	0	26	46
	207/2	0	17	99
	206/3	0	08	18
	267/3A	0	00	21
	267/3B	0	02	15
	267/1B	0	23	56
	275/2B	0	12	65
	275/2C	0	13	49
	275/2A	0	12	81
	274	0	06	08

1	2	3	4	5
THIRUMALAIYAM				
PALAYAM	273	0	23	25
(CONT..)	280/2A9	0	22	70
	280/12	0	00	46
	280/13	0	01	87
	280/2A4	0	03	27
	280/14	0	02	29
	280/15	0	05	20
	280/2A	0	00	34
	280/1A5	0	00	45
	280/1D	0	01	64
	280/1C	0	03	17
	280/1B	0	01	38
	296/1	0	08	00
	294/1H	0	23	39
	294/1G	0	05	99
	294/2B	0	32	41
	299/1A	0	34	56
	291	0	14	09
	290	0	24	13
	285/2	0	07	62
	74	0	42	51
	77/1	0	26	86
	77/2A	0	10	72
	80/1C	0	26	05
	83/3	0	03	04
	83/1	0	13	06
	81/3D	0	07	76
	81/3C2	0	06	27
	82/1B	0	08	28
	82/3	0	00	87
	82/4	0	14	99
	104	0	26	97
	102	0	00	40
	105	0	08	11
	109/4A1	0	41	12
	109/4A2	0	20	87
	109/3	0	22	58
	112/1A	0	06	44

1	2	3	4	5
THIRUMALAIYAM PALAYAM (CONT..)	114	0	23	45
	113	0	04	57
	03	0	08	15
	07	0	16	47
	8/1	0	13	90
	06	0	00	49
	5/2	0	27	05
	03	0	04	66
PICHANUR	577	0	04	61
	575/1	0	11	27
	575/3	0	14	12
	574/1	0	02	84
	235/1B	0	10	03
	236/1B	0	25	12
	236/2	0	14	73
	553/1B	0	05	01
	544/2B	0	16	51
	544/2A	0	00	09
	544/2C	0	02	33
	543/1B	0	18	31
	536/1	0	10	95
	536/2	0	01	70
	536/3	0	04	10
	538/2	0	16	36
	539/2	0	02	88
	255/2	0	02	91
	255/1	0	44	86
	271/2	0	33	06
	291/1A	0	25	64
	292/1	0	01	90
	291/2A	0	01	29
	291/2C	0	20	09
	291/2B	0	02	76
	293/2B	0	19	60
	293/2C	0	02	14
	293/2E	0	13	54
	293/4B	0	04	00
	293/2D	0	00	20
	293/4A	0	15	94
	293/3	0	03	96
	294/3C	0	08	57

1	2	3	4	5
PICHANUR	287/1A	0	07	58
(CONT ..)	295/1A	0	01	20
	295/1B	0	15	95
	295/2C	0	12	83
	295/2F	0	15	79
	295/2D	0	00	6
	295/2A	0	04	06
	295/2B	0	00	96
	295/2E	0	00	10
	295/4	0	17	77
	311/1	0	02	19
	311/2	0	02	28
	310/1	0	07	67
	310/2	0	00	13
	309/2	0	00	79
	309/5	0	06	13
	309/7	0	06	20
	309/8	0	09	48
	298/2B	0	17	62
	298/2E	0	00	82
	299/3A	0	15	90
	299/3B	0	06	24
	306/1	0	24	12
	302/1C	0	15	45
	302/1B	0	17	80
	303/1B	0	19	66
	334	0	22	07
	335/2	0	01	78
	335/3	0	09	57
	336/2	0	19	20
	336/3	0	11	36
	337	0	07	95
	338/1	0	12	15
	339/3	0	11	69
	340/2	0	22	19
	345/1	0	10	64
	345/2	0	10	65
	348	0	22	17
	347	0	07	79
	350	0	37	90

नई दिल्ली, 16 जून, 1999

का.आ. 1826.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मोटर स्ट्रिट उच्चकोटि किरोसिन तेल और उच्चवर्ग डीजल के भारत पेट्रोलियम कारपोरेशन लिमिटेड इरमपानम् कोचीन, संस्थापन से तमिलनाडु राज्य के करूर में परिवहन के लिए पेट्रोनेट सी.सी.के. लिमिटेड द्वारा पाइपलाइन बिछायी जानी चाहिए ।

और ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है ।

1

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 की 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें उपभोग का अधिकार अर्जित करने के अपने आशय की घोषणा करती है ।

अतः उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर तमिलनाडु भूमि के नीचे पाइपलाइन बिछाने के लिए उनमें उपयोग के अधिकार के अर्जन के संबंध में अपना आक्षेप, लिखित रूप में श्री वी. कुप्पनन, , सक्षम प्राधिकारी कोचीन, कोयम्बटूर, करूर पाइपलाइन परियोजना प्रथम मंजिल, कोवाई टावर्स, नं० 44, बालासुन्दरम रोड, कोयम्बटूर -18 पिन-641 018 को कर-सकेंगा ।

अनुसूची				
तालुका - कन्नूर	जिला - कन्नूर	राज्य - तमिलनाडु		
गाँव का नाम	सर्वेक्षण सं०	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5
काटापाराई	363-21	0	02	29
	363-20	0	00	88
	363-18	0	01	80
	362-22	0	08	70
	362-30	0	23	00
	362-32	0	01	53
	362-33	0	02	01
	362-34	0	00	47
	362-35	0	00	28
	374-11	0	00	03
	375-01	0	13	00
	376-01	0	12	80
	376-02	0	01	80
आपुर	705-04	0	02	40
	706-01	0	01	28
	710-03	0	02	04
	710-06	0	00	52
	712-06	0	01	14
	712-05	0	00	31
	715-04	0	01	19
	718-01	0	00	32
	719-02	0	09	03
	790-02	0	01	44
	777-B1	0	01	24
	779-16	0	02	45
	779-11	0	00	61
	779-10	0	01	81

1	2	3	4	5
आधुन	779-02	0	00	07
	782-04	0	00	52
	782-02	0	00	08
	782-01	C	01	37
	840-11	0	00	48
	840-04	0	00	47
	840-03	0	00	16
	843	0	01	53
	839-05	0	00	20
	839-02	0	00	39
	1109-08	0	00	76
	1109-07	0	01	88
	1109-06	0	00	79
	1109-05	0	00	72
	1109-01	0	00	51
	1106-A1	0	00	15
	1106-B5	0	00	96
	1101-21	0	00	77
	1101-20	0	00	54
	1101-18	0	01	01
	1101-17	0	00	36
	1102-27	0	00	20
	1102-25	0	00	51
	1102-18	0	00	75
	1102-35	0	01	00
	1102-36	0	00	22
	1102-34	0	01	02
	1102-08	0	00	29
	1102-17	0	00	02
	1102-10	0	00	48
	1102-06	0	00	32
	1102-05	0	00	18
	1143-02	0	00	49
	1143-01	0	02	25
	1144-03	0	00	07
	1156	0	00	11

अनुसूची				
तालुका - आरावकुली		जिला - कन्नूर		राज्य - तमिलनाडु
गाँव का नाम	सर्वेक्षण सं०	क्षेत्र		
		हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5
पुन्नाम	1254-06	0	00	91
	1252-03	0	23	88
	1249-01	0	42	71
	1229	0	00	28
	1230-02	0	01	92
	1230-01	0	00	10
	1233-01	0	01	48
	1233-02	0	06	84
	1234-04	0	00	51
	1197-03	0	00	64
	1197-09	0	01	41
	1197-10	0	00	39
	1197-12	0	00	28
	1198-02	0	03	07
	1195-01	0	21	05
	1090	0	09	25
	1102	0	02	93
	1105	0	07	05
	1042-01	0	01	83
	1040-04	0	00	50
	1040-01	0	00	47
	1036-1A	0	31	19
	1036-1D	0	05	60
	1039	0	00	05
	1028-02	0	20	40
	1028-A	0	14	90
	1028-B	0	01	60
	1025	0	12	10
	1017	0	02	42
	856	0	03	34
	857-15	0	00	32
	857-11	0	00	62
	857-10	0	05	40
	857-13	0	02	90
	857-09	0	00	05
	857-08	0	03	10
	857-07	0	02	00
	857-06	0	00	60

1	2	3	4	5
पुनर्निर्माण	858-A3	0	01	15
	858-A4	0	00	05
	858-C2	0	00	41
	859-A2	0	00	08
	859-A4	0	00	24
	859-A6	0	00	53
	853-02	0	00	93
	795	0	00	08
	798-C	0	00	71
	802-B	0	10	62
	823	0	02	12
	216-04	0	02	37
	216-08	0	06	19
	212-01	0	03	10
	212-02	0	00	57
	209-01	0	01	58
	209-02	0	00	23
	209-03	0	01	67
	177	0	00	71
	178-09	0	00	25
	178-07	0	00	35
	178-08	0	03	34
	178-06	0	03	63
	178-17	0	01	78
	178-15	0	00	31
	178-16	0	01	08
	179-01	0	00	27
	179-02	0	01	04
	179-03	0	01	53
	180-01	0	00	67
	180-06	0	06	58
	171	0	00	21
परिवर्तन	393	0	00	58
	392-A3	0	01	11
	392-B3	0	00	53
	392-B4	0	00	11
	392-B2	0	00	11
	380-01	0	00	53
	380-13	0	00	98
	380-15	0	04	90
	379-B6	0	00	12
	379-B9	0	01	95
	379-B13	0	00	08
	379-B19	0	00	68
	379-B21	0	04	28

1	2	3	4	5
कारुदयाम -	616	0	0	1
पालायाम	615-05	0	15	21
	613-02	0	19	42
	613-05	0	12	69
	613-04	0	5	14
	612	0	1	49
	584	0	1	68
	587-A1	0	1	2
	588	0	0	20
	569-02	0	0	91
	587-02	0	29	95
	587-01	0	0	17
	566-01	0	4	5
	566-03	0	2	1
	565-01	0	36	71
	548	0	5	75
	552-A1	0	3	96
	475	0	2	10
	474-02	0	1	12
	474-08	0	1	99
	474-05	0	1	1
	471	0	0	9
	470	0	4	0
	456-06	0	1	5
	453	0	1	67
	451-01	0	0	75
	451-04	0	1	12
	446-05	0	1	20
	447-05	0	0	70
	448-01	0	1	97
	448-02	0	1	86
	448-06	0	1	16
	448-05	0	0	29
	406-A	0	11	13
	408-A1	0	9	60
	402-B2	0	6	21
	402-B3	0	3	50

1	2	3	4	5
पारामधी	6-11	0	00	24
	25-B	0	01	09
	24-01	0	00	27
	24-02	0	00	27
	17	0	00	15
	49-02	0	09	94
	49-01	0	02	66
	48	0	00	45
	46	0	00	11
	70	0	01	00
	82-B5	0	00	25
	83-2C	0	05	52
	83-2A	0	04	13
	83-01	0	65	40
	101-02	0	00	66
	103	0	05	56
	104-01	0	04	19
	105	0	00	46
	107	0	00	44
	114-01	0	00	43
	115-01	0	00	37
	122-02	0	00	65
	122-01	0	00	55
मुनुर	629	0	07	24
	639	0	00	08
	628	0	00	62
	642-A	0	00	99
	643-A	0	00	52
	658	0	00	47
	661	0	00	46
	755-04	0	02	44
	744	0	03	02
	743	0	01	74

	1	2	3	4	5
फ़ीनाई		904	0	01	11
॥पूर्व॥		907	0	00	57
		811-01	0	00	02
		810-03	0	02	33
		810-01	0	01	27
		804-01	0	00	14
		803-11	0	01	38
		802	0	00	04
		796-04	0	00	10
		795	0	00	40
		772-05	0	00	43
		773	0	00	15
		752	0	03	43
		753-02	0	00	30
		753-03	0	02	40
		746-B	0	00	94
		741-12	0	00	20
		741-03	0	00	23
		741-11	0	00	10
		732	0	25	42
		718-03	0	00	42
		716-01	0	00	79
		685-2C	0	25	16
		686-08	0	01	53
		686-03	0	03	72
		683-12	0	00	46
		686-02	0	00	61
		683-13	0	00	60
		686-09	0	01	60
		686-12	0	01	20
		677-A	0	00	20
		677-B	0	01	70
		678-B	0	01	25
		1380-02	0	00	40
		1380-03	0	02	20
		1385-01	0	00	11
		1386	0	00	66

	1	2	3	4	5
फैलाई					
	01	0	00	15	
पश्चिम	04	0	01	98	
	429-03	0	04	29	
	432-A3	0	00	05	
	432-A2	0	02	00	
	433-03	0	07	89	
	433-02	0	06	80	
	598	0	00	05	
	599-A1	0	01	89	
	645-02	0	00	60	
	632-A2	0	00	98	
	632-A1	0	01	86	
	626-A3	0	01	01	
	626-A2	0	00	11	
	626-A1	0	00	64	
	624-01	0	00	57	
	624-02	0	00	44	
	620	0	00	04	
	633	0	06	80	
	1078-01	0	02	21	
	1077-01	0	10	41	
	1076-03	0	00	53	
	1076-01	0	12	15	
	1075-06	0	00	78	
	1075-04	0	00	13	
	1075-02	0	03	67	
	1075-01	0	13	55	
	1096	0	00	30	
	1098	0	00	94	

1	2	3	4	5
मोन्जानुर ॥पूर्व॥	378	0	07	96
	379	0	00	50
	402	0	02	12
	436	0	01	15
	440	0	00	68
	442	0	00	35
	377	0	31	52
मोन्जानुर ॥पश्चिम॥	973	0	01	41
	971-02	0	01	18
	971-01	0	09	45
	947	0	29	19
	945	0	01	37
	941	0	02	69
	690	0	19	36
	689	0	02	09
	742-A	0	04	02
	742-B	0	19	80
	743	0	01	12
	756-B	0	00	16
	756-A3	0	00	23
	756-A1	0	00	91
	778-04	0	01	23
	778-01	0	01	03
	779-B	0	02	69
	781	0	00	60
	782	0	02	38
	783-01	0	06	83
	741-02	0	05	30
	740-A	0	05	60
	740-B	0	05	00
	740-C1	0	14	64
	736-A	0	00	90
	736-E	0	03	60
	731	0	15	89
	727-01	0	31	80
	727-02	0	07	30

1	2	3	4	5
मोन्जानुर	730	0	01	00
पशिषम	729	0	18	70
	849-B	0	11	72
	849-C	0	09	31
	850	0	08	24
	715	0	08	10
	723-C	0	02	90
	722-B	0	10	30
	716-A	0	17	60
	716-B	0	10	20
	716-C	0	16	65
	716-D	0	08	80
	718-A	0	39	25
	869-A	0	28	40
	870	0	37	75
	871	0	08	00
	872	0	33	72

[फा. सं. आर-31015/15/98-ओ. आर.-II]

एस. चन्द्रशेखर, अवर सचिव

New Delhi, the 16th June, 1999

S.O. 1826.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Irumpanam Installation of Bharat Petroleum Corporation Limited, Irumpanam, Cochin to Karur in the state of Tamil Nadu a pipeline should be laid by Petronet CCK Limited;

And, whereas, for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in the exercise of powers conferred by sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

Any person, interested in land described in the said schedule may within twenty one days from the date on which the copies of the notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein for laying the pipeline under the land to Shri V. Kuppannan, Competent Authority (Tamil Nadu), Cochin-Coimbatore-Karur Pipeline Project, 1st Floor, " KOVAI TOWERS" No.44, Balasundaram Road, Coimbatore-18. Pin : 641 018.

SCHEDULE**DISTRICT : KARUR TALUK : KARUR STATE : TAMIL NADU**

Name of Village	S.F.No	Area		
		Hectares	Ares	Sq. Mts.
1	2	3	4	5
KADHAPARAI				
	363-21	0	02	29
	363-20	0	00	88
	363-18	0	01	80
	362-22	0	08	70
	362-30	0	23	00
	362-32	0	01	53
	362-33	0	02	01
	362-34	0	00	47
	362-35	0	00	28
	374-11	0	00	03
	375-01	0	13	00
	376-01	0	12	80
	376-02	0	01	80
ATHUR				
	705-04	0	02	40
	706-01	0	01	28
	710-03	0	02	04
	710-06	0	00	52
	712-06	0	01	14
	712-05	0	00	31
	715-04	0	01	19
	718-01	0	00	32
	719-02	0	09	03
	790-02	0	01	44
	777-B1	0	01	24
	779-16	0	02	45
	779-11	0	00	61
	779-10	0	01	81

1	2	3	4	5
ATHUR(CONTD.)	779-02	0	00	07
	782-04	0	00	52
	782-02	0	00	08
	782-01	0	01	37
	840-11	0	00	48
	840-04	0	00	47
	840-03	0	00	16
	843	0	01	53
	839-05	0	00	20
	839-02	0	00	39
	1109-08	0	00	76
	1109-07	0	01	88
	1109-06	0	00	79
	1109-05	0	00	72
	1109-01	0	00	51
	1106-A1	0	00	15
	1106-B5	0	00	96
	1101-21	0	00	77
	1101-20	0	00	54
	1101-18	0	01	01
	1101-17	0	00	36
	1102-27	0	00	20
	1102-25	0	00	51
	1102-18	0	00	75
	1102-35	0	01	00
	1102-36	0	00	22
	1102-34	0	01	02
	1102-08	0	00	29
	1102-17	0	00	02
	1102-10	0	00	48
	1102-06	0	00	32
	1102-05	0	00	18
	1143-02	0	00	49
	1143-01	0	02	25
	1144-03	0	00	07
	1156	0	00	11

SCHEDULE**DISTRICT : KARUR TALUK : ARAVAKURICHI STATE : TAMIL NADU**

Name of Village	S.F.No	Area		
		Hectares	Ares	Sq. Mts.
1	2	3	4	5
PUNNAM	1254-08	0	00	91
	1252-03	0	23	88
	1249-01	0	42	71
	1229	0	00	28
	1230-02	0	01	92
	1230-01	0	00	10
	1233-01	0	01	48
	1233-02	0	06	84
	1234-04	0	00	51
	1197-03	0	00	64
	1197-09	0	01	41
	1197-10	0	00	39
	1197-12	0	00	28
	1196-02	0	03	07
	1195-01	0	21	05
	1090	0	09	25
	1102	0	02	93
	1105	0	07	05
	1042-01	0	01	83
	1040-04	0	00	50
	1040-01	0	00	47
	1036-1A	0	31	19
	1036-1D	0	05	60
	1039	0	00	05
	1028-02	0	20	40
	1026-A	0	14	90
	1026-B	0	01	60
	1025	0	12	10
	1017	0	02	42
	858	0	03	34

1	2	3	4	5
PUNNAM	857-15	0	00	32
(Contd)	857-11	0	00	62
	857-10	0	05	40
	857-13	0	02	90
	857-09	0	00	05
	857-08	0	03	10
	857-07	0	02	00
	857-06	0	00	60
	858-A3	0	01	15
	858-A4	0	00	05
	858-C2	0	00	41
	859-A2	0	00	06
	859-A4	0	00	24
	859-A6	0	00	53
	853-02	0	00	93
	795	0	00	06
	798-C	0	00	71
	802-B	0	10	62
	823	0	02	12
	216-04	0	02	37
	216-06	0	06	19
	212-01	0	03	10
	212-02	0	00	57
	209-01	0	01	58
	209-02	0	00	23
	209-03	0	01	67
	177	0	00	71
	178-09	0	00	25
	178-07	0	00	35
	178-08	0	03	34
	178-06	0	03	63
	178-17	0	01	76
	178-15	0	00	31
	178-16	0	01	08
	179-01	0	00	27
	179-02	0	01	04
	179-03	0	01	53
	180-01	0	00	67
	180-06	0	06	56
	171	0	00	21

1	2	3	4	5
PAVITHRAM	393	0	00	56
	392-A3	0	01	11
	392-B3	0	00	53
	392-B4	0	00	11
	392-B2	0	00	11
	380-01	0	00	53
	380-13	0	00	98
	380-15	0	04	90
	379-B6	0	00	12
	379-B9	0	01	95
	379-B13	0	00	08
	379-B19	0	00	66
	379-B21	0	04	28
KARUDAIYAM- PALAYAM	616	0	0	1
	615-05	0	15	21
	613-02	0	19	42
	613-05	0	12	69
	613-04	0	5	14
	612	0	1	49
	584	0	1	68
	587-A1	0	1	2
	588	0	0	20
	589-02	0	0	91
	567-02	0	29	95
	567-01	0	0	17

1	2	3	4	5
KARUDAIYAM-				
PALAYAM	588-01	0	4	5
(Contd.)	588-03	0	2	1
	565-01	0	36	71
	548	0	5	75
	552-A1	0	3	96
	475	0	2	10
	474-02	0	1	12
	474-06	0	1	99
	474-05	0	1	1
	471	0	0	9
	470	0	4	0
	456-06	0	1	5
	453	0	1	67
	451-01	0	0	75
	451-04	0	1	12
	446-05	0	1	20
	447-05	0	0	70
	448-01	0	1	97
	448-02	0	1	86
	448-06	0	1	16
	448-05	0	0	29
	406-A	0	11	13
	408-A1	0	9	60
	402-B2	0	6	21
	402-B3	0	3	50

1	2	3	4	5
PARAMATHI	6-11	0	00	24
	25-B	0	01	09
	24-01	0	00	27
	24-02	0	00	27
	17	0	00	15
	49-02	0	09	94
	49-01	0	02	66
	48	0	00	45
	46	0	00	11
	70	0	01	00
	82-B5	0	00	25
	83-2C	0	05	52
	83-2A	0	04	13
	83-01	0	65	40
	101-02	0	00	66
	103	0	05	56
	104-01	0	04	19
	105	0	00	46
	107	0	00	44
	114-01	0	00	43
	115-01	0	00	37
	122-02	0	00	65
	122-01	0	00	55
MUNNUR	629	0	07	24
	639	0	00	08
	628	0	00	62
	642-A	0	00	99
	643-A	0	00	52
	658	0	00	47
	661	0	00	46
	755-04	0	02	44
	744	0	03	02
	743	0	01	74

1	2	3	4	5
THENNILAI(EAST)	904	0	01	11
	907	0	00	57
	811-01	0	00	02
	810-03	0	02	33
	810-01	0	01	27
	804-01	0	00	14
	803-11	0	01	38
	802	0	00	04
	796-04	0	00	10
	795	0	00	40
	772-05	0	00	43
	773	0	00	15
	752	0	03	43
	753-02	0	00	30
	753-03	0	02	40
	746-B	0	00	94
	741-12	0	00	20
	741-03	0	00	23
	741-11	0	00	10
	732	0	25	42
	718-03	0	00	42
	716-01	0	00	79
	685-2C	0	25	16
	686-08	0	01	53
	686-03	0	03	72
	683-12	0	00	46
	686-02	0	00	61
	683-13	0	00	60
	686-09	0	01	60
	686-12	0	01	20
	677-A	0	00	20
	677-B	0	01	70
	678-B	0	01	25
	1380-02	0	00	40
	1380-03	0	02	20
	1385-01	0	00	11
	1386	0	00	66

1	2	3	4	5
THENNILAI(WEST)	01	0	00	15
	04	0	01	98
	429-03	0	04	29
	432-A3	0	00	05
	432-A2	0	02	00
	433-03	0	07	89
	433-02	0	06	80
	598	0	00	05
	599-A1	0	01	89
	645-02	0	00	60
	632-A2	0	00	98
	632-A1	0	01	86
	626-A3	0	01	01
	626-A2	0	00	11
	626-A1	0	00	64
	624-01	0	00	57
	624-02	0	00	44
	620	0	00	04
	633	0	06	80
	1078-01	0	02	21
	1077-01	0	10	41
	1076-03	0	00	53
	1076-01	0	12	15
	1075-06	0	00	78
	1075-04	0	00	13
	1075-02	0	03	67
	1075-01	0	13	55
	1096	0	00	30
	1098	0	00	94

1	2	3	4	5
MONJANUR				
(EAST)	378	0	07	96
	379	0	00	50
	402	0	02	12
	436	0	01	15
	440	0	00	66
	442	0	00	35
	377	0	31	52
MONJANUR				
(WEST)	973	0	01	41
	971-02	0	01	18
	971-01	0	09	45
	947	0	29	19
	945	0	01	37
	941	0	02	69
	690	0	19	36
	689	0	02	09
	742-A	0	04	02
	742-B	0	19	80
	743	0	01	12
	756-B	0	00	16
	756-A3	0	00	23
	756-A1	0	00	91
	778-04	0	01	23
	778-01	0	01	03
	779-B	0	02	69
	781	0	00	60
	782	0	02	38
	783-01	0	06	83
	741-02	0	05	30
	740-A	0	05	60
	740-B	0	05	00
	740-C1	0	14	64
	736-A	0	00	90
	736-E	0	03	60
	731	0	15	89
	727-01	0	31	80
	727-02	0	07	30

1	2	3	4	5
MONJANUR	730	0	01	00
(WEST)	729	0	16	70
(Contd.)	849-B	0	11	72
	849-C	0	09	31
	850	0	08	24
	715	0	06	10
	723-C	0	02	90
	722-B	0	10	30
	716-A	0	17	60
	716-B	0	10	20
	716-C	0	16	65
	716-D	0	08	80
	718-A	0	39	25
	669-A	0	28	40
	670	0	37	75
	671	0	06	00
	672	0	33	72

[F. No. R-31015/15/98-OR-II]
S. CHANDRA SEKHAR, Under Secy.

नई दिल्ली, 17 जून, 1999

का. आ. 1327.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 700 तारीख 23.2.99 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में, आन्ध्र प्रदेश राज्य में अडीवापलम-टाटीपाका पाइपलाइन परियोजना के माध्यम से द्रवित पेट्रोलियम गैस के परिवहन हेतु गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां 22 मार्च, 1999 से जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार अर्जित किए जाने की घोषणा करती है;

और यह कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए इस घोषणा के प्रकाशन की तारीख को सभी विल्लगमों से मुक्त होकर गैस अथॉरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नं०	उ० का उ० के तहत आजित की जाते वाली भूमि (हक्के में)
ईस्ट मेदावरो	ग्रामेडकु- ईरु	इडाराडा	41 भाग	0-0265
			40-7 "	0-1550
			40-8 "	0-1380
			40-1 "	0-0075
			39-2 "	0-0650
			38 "	0-0200
			37 "	0-1800
			30-1 र "	0-0650
			30-1 बी "	0-0525
			30-1 सी "	0-0300
			30-1 डी "	0-0500
			30-4 "	0-0825
			32-1 "	0-0975
			29 "	0-1200
			27-1 र "	0-0150
			28-2 बी "	0-0050
			28-2 सी "	0-0566
			28-3 "	0-1050
			25 "	0-0200
			13-1 र "	0-0340
			13-1 बी "	0-0730
			13-2 "	0-0665
			14-6 र "	0-0250
			14-6 बी "	0-0040
			16-1 र "	0-1700

जी० पी०

1	2	3	4	5
			16-1 " "	0-1480
			16-2 " "	0-0080
			15-1 " "	0-0050
			17-1 " "	0-0040
ईस्ट गोदावरी	सामिडिगुडूरु	ईडाराडा	17-2 भागा	0.0800
			18 " "	0.0300
			22 " "	0.0350
			21 " "	0.2460
			20-1 " "	0.0800
			19 " "	0.0250
			2-1 " "	0.0150
			1 " "	0.2100
कुल				2.5496

[फा. सं. एल 14014/6/98-जीपी]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, the 17th June, 1999

S.O 1827.—Whereas, by notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. NO. 700 dated 23.2.99 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for purpose of laying pipeline for transport of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Rajasthan State by the Gas Authority of India Limited;

And, whereas, copies of the said gazette notification were made available to the public from the 22nd day of March 1999;

And, whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act, has made his report to the Central Government;

And, whereas, the Central Government has after considering the said report decided to acquire the right of user in the land specified in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section(1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification hereby acquired for laying of pipeline.

And, further, in exercise of powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting the Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Limited., free from all encumbrances.

Schedule

District	Tehsil	Village	Survey NO.	Land to be acquired for ROU (in Hect.)	
East Godavari	Mammidu Kuduru	Edarada	41 Part	0-0265	G. P.
			40-7 "	0-1550	
			40-8 "	0-1380	
			40-1 "	0-0075	
			39-2 "	0-0650	
			38 "	0-0200	
			37 "	0-1800	
			30-1A "	0-0650	
			30-1B "	0-0525	
			30-1C "	0-0300	
			30-1D "	0-0500	
			30-4 "	0-0825	
			32-1 "	0-0975	
			29 "	0-1200	
			27-1A "	0-0150	
			28-2B "	0-0050	
			28-2C "	0-0566	
			28-3 "	0-1050	
			25 "	0-0200	
			13-1A "	0-0340	
			13-1B "	0-0730	
			13-2 "	0-0665	
			14-6A "	0-0250	
			14-6B "	0-0040	
			16-1A "	0-1700	
			16-1B "	0-1480	

1	2	3	4	5
			16-2A "	0-0080
			15-1A "	0-0050
			17-1 "	0-0040
East	Mamidi-	Edarada	17-2 Part	0.0800
Godawari	kuduru		18 "	0.0300 G.P
			22 "	0.0350
			21 "	0.2400
			20-1 "	0.0800
			19 "	0.0250 G.P
			2-1 "	0.0150
			1 "	0.2100
TOTAL				2.5496

[F. No.L 14014/6/98-GP]
I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 17 जून, 1999

का. आ. 1828.— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 699 तारीख 23.2.99 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में, आन्ध्र प्रदेश राज्य में अडीवापलम-टाटीपाका पाइपलाइन परियोजना के माध्यम से द्रवित पेट्रोलियम गैस के परिवहन हेतु गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां 22 मार्च, 1999 से जनता को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग का अधिकार अर्जित किए जाने की घोषणा करती है;

और यह कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाए इस घोषणा के प्रकाशन की तारीख को सभी विल्लगनों से मुक्त होकर गैस अयोरिटी ऑफ इंडिया लिमिटेड में निहित होगा।

अनुसूची

जिला	मंडल/तहसील	ग्राम	सर्वे नं०	उ० मा० धारा 6 के तहत अर्जित की जाने वाली राशि	
ईस्ट गौदावरी	राजोल	काडाली	71 मा०	0-1575	(जी० पी०)
			72 "	0-0300	
			80 "	0-8400	
			81 "	0-0575	
			96-4 "	0-0075	
			96-5 "	0-1075	
			96-6 "	0-0450	
			96-3 "	0-1475	
			97-1 "	0-0150	
			97-3 "	0-0750	
			97-4 "	0-0400	
			97-6 ए०	0-0100	
			97-6 बी०	0-0025	
			97-5 "	0-0150	
			97-7 "	0-0225	
			97-8 "	0-0075	
			97-9 ए०	0-0450	
			95-8 "	0-0075	
			100 "	0-0350	
			103-1 बी०	0-1400	
			103-2 ए०	0-0025	
			103-2 बी०	0-0012	
			103-1 ए०	0-0100	
			117-3 "	0-0300	
			116-2 "	0-2100	
			116-3 "	0-2950	
			115-5 "	0-0650	
			115-6 "	0-0600	
			115-7 "	0-0175	
			115-8 "	0-0875	
			113-2 "	0-0800	
			111 "	0-0600	
			110-1 "	0-1300	

1	2	3	4	5	
			556-1 "	0-0800	
			556-2 "	0-0100	
			555-1 "	0-0025	
			555-2 "	0-0012	
			558-1 "	0-0450	
			558-2 "	0-0375	
			563-2 "	0-0400	
			565-1 "	0-0500	(जी० पी०)
			565-2 भाग	0-0450	(जी० पी०)
			566-1 "	0-0500	(जी० पी०)
			566-2 "	0-0500	(जी० पी०)
इस्ट गौदावरी	राजोस	काडाली	567-1 "	0-0575	
			567-2 "	0-0100	
			568 "	0-0650	
			569 "	0-0650	
			582 "	0-2200	
			585 "	0-1200	
			587 "	0-0300	
			588-2 "	0-0550	
			588-4 "	0-0300	
			598-1 "	0-0600	
			598-2 "	0-0675	
			598-3 "	0-0650	
			599-1 "	0-0012	
			599-2 "	0-0175	
			602 "	0-2725	
			611-2 "	0-2050	
			611-3 "	0-1600	
			612-1 "	0-0050	
			618-5 "	0-0075	
			618-7 "	0-2050	
			636-1 "	0-2250	
			636-2 "	0-0150	
			638-1 "	0-1250	
			638-2 "	0-0950	
			638-3 "	0-0050	
			645-6 "	0-0250	
			645-7 "	0-0550	
			645-4 "	0-0025	

1	2	3	4	5
			643-1 "	0-0950
			644-1 "	0-0050
			644-2 "	0-0600
			644-3 "	0-1250
			659 "	0-0250 (जी.पी.)
			660-3 "	0-0200
			660-4 "	0-0006
			660-7 "	0-1400
			661 "	0-0500 (जी.पी.)
			606 "	0-0050 (जी.पी.)
			670-1 "	0-0375 (अन्तार ..3)
ईस्ट गौदावरी	राजोत	काडली	670-3 भारा	0.0500
			802-1 "	0.1800
			802-2 "	0.0005
			801 "	0.0100
			801-1 "	0.1075
			800-3 "	0.0275
			799-1 "	0.0050
			799-2 "	0.1525
			799-3 "	0.0500
			798-1 "	0.0100
			749 "	0.0225
			750 "	0.0025
			748-1 "	0.0075
			748-2 "	0.1250
			751-1 "	0.4131
			753-3 "	0.0030
			753-5 "	0.1425
			753-6 "	0.0975
			753-4 "	0.0575
			754 "	0.0300
			757-4 "	0.0100
			757-5 "	0.1300
			757-6 "	0.0800
			758-1 "	0.2325
			760 "	0.0225
			453 "	0.1575
			452 "	0.1600
			451 "	0.1200
			450 "	0.1450
			449 "	0.1250
			447 "	0.0400
			446 "	0.0300
			765-1 "	0.0075
			765-1 "	0.0650
			कुल	8.7008

[फा. सं. एल 14014/6/98-जीपी]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, the 17th June, 1999

S.O. 1828.— Whereas, by notification of the Government of India, Ministry of Petroleum and Natural Gas S.O. NO. 699 dated 23.2.99 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the schedule annexed to that notification for purpose of laying pipeline for transport of Liquid Petroleum Gas through Kandla-Jamnagar-Loni Pipeline Project in Rajasthan State by the Gas Authority of India Limited;

And, whereas, copies of the said gazette notification were made available to the public from the 22nd day of March 1999;

And, whereas, the competent authority in pursuance of sub-section (1) of section 6 of the said Act, has made his report to the Central Government;

And, whereas, the Central Government has after considering the said report decided to acquire the right of user in the land specified in the schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section(1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule annexed to this notification hereby acquired for laying of pipeline.

And, further, in exercise of powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land shall instead of vesting the Central Government, vests on this date of the publication of this declaration in the Gas Authority of India Limited., free from all encumbrances.

Schedule

DISTRICT	MANDAL/ Tehsil	VILLAGE	SURVEY Nos.	Land to be acquired for ROU in Hect.	
East Godavari	Rayole	Kadali	71 Part	0-1575	(C.P.)
			72 "	0-0300	
			80 "	0-3400	
			31 "	0-0575	
			96-4 "	0-0075	
			96-5 "	0-1075	
			96-6 "	0-0450	
			96-3 "	0-1475	
			97-1 "	0-0150	
			97-3 "	0-0750	
			97-4 "	0-0400	
			97-6A "	0-0100	

DISTRICT	MANDAL / Tehsil	VILLAGE	SURVEY Nos.	Land to be acquired for ROU in Hect.	
East Godavari	Razole	Kadali	97-6B"	0-0025	
			97-5 "	0-0150	
			97-7 "	0-0225	
			97-8 "	0-0075	
			97-9A"	0-0450	
			95-8 "	0-0075	
			100 "	0-0350	
			103-1B"	0-1400	
			103-2A"	0-0025	
			103-2B"	0-0012	
			103-1A"	0-0100	
			117-3 "	0-0300	
			116-2 "	0-2100	
			116-3 "	0-2950	
			115-5 "	0-0650	
			115-6 "	0-0600	
			115-7 "	0-0175	
			115-8 "	0-0875	
			113-2 "	0-0800	
			111 "	0-0600	
			110-1 "	0-1300	
			556-1 "	0-0800	
			556-2 "	0-0100	
			555-1 "	0-0025	
			555-2 "	0-0012	
			558-1 "	0-0450	
			558-2 "	0-0375	
			563-2 "	0-0400	
			565-1 "	0-0500	(G.P.)
			565-2 Part	0-0450	(G.P.)
			566-1 "	0-0500	(G.P.)
			566-2 "	0-0500	(G.P.)
			567-1 "	0-0575	
			567-2 "	0-0100	
			568 "	0-0650	
			569 "	0-0650	

1	2	3	4	5
			582 "	0-2200
			585 "	0-1200
			587 "	0-0300
			588-2 "	0-0550
			588-4 "	0-0300
			598-1 "	0-0600
			598-2 "	0-0675
			598-3 "	0-0650
			599-1 "	0-0012
			599-2 "	0-0175
			600 "	0-2725
			611-2 "	0-2050
			611-6 "	0-1600
			612-1 "	0-0050
			618-5 "	0-0075
			618-7 "	0-2050
			636-1 "	0-2250
			636-2 "	0-0150
			638-1 "	0-1250
			638-2 "	0-0850
			638-3 "	0-0050
			645-6 "	0-0250
			645-7 "	0-0550
			645-4 "	0-0025
			643-1 "	0-0950
			644-1 "	0-0050
			644-2 "	0-0600
			644-3 "	0-1250
			659 "	0-0250 (G.P.)
			660-3 "	0-0200
			660-4 "	0-0006
			660-7 "	0-1400
			661 "	0-0500 (G.P.)
			806 "	0-0050 (G.P.)
			670-1 "	0-0375

1	2	3	4	5
East Godawari	Razole	Kadali	670-3Part	0.0500
			802-1 "	0.1800
			802-2 "	0.0005
			801 "	0.0100
			801-1 "	0.1075
			800-3 "	0.0275
			799-1 "	0.0050
			799-2 "	0.1525
			799-3 "	0.0500
			798-1 "	0.0100
			749 "	0.0225
			750 "	0.0025
			748-1 "	0.0075
			748-2 "	0.1250
			751-1 "	0.4131
			753-3 "	0.0030
			753-5 "	0.1425
			753-6 "	0.0975
			753-4 "	0.0575
			754 "	0.0300
			757-4 "	0.0100
			757-5 "	0.1300
			757-6 "	0.0800
			758-1 "	0.2325
			760 "	0.0225
			453 "	0.1575
			452 "	0.1600
			451 "	0.1200
			450 "	0.1450
			449 "	0.1250
			447 "	0.0400
			446 "	0.0300
			765-1A "	0.0075
			765-1B "	0.0650
TOTAL				8.7008

[F. No.L 14014/6/98-GP]
I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 17 जून, 1999

का. आ. 1829.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में नन्दीगामा ई.पी.एस. से आन्ध्र फ्यूल लिमिटेड पाइपलाइन के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए,

और यह कि केन्द्रीय सरकार को प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए उस भूमि में जिसमें उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है,

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध कराए जाने की तारीख से इक्कीस दिवस के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, के. जी. बेसिन परियोजना, जैटी एवन्यू, दानावैपेट, राजमूंदड़ी-533103 (आन्ध्र प्रदेश) को कर सकेगा।

अनुसूची

जिला	तहसील	ग्राम	सर्वे नं०	उ० का० अ० के लिए अर्जित की जाने वाली भूमि इकाई में
1	2	3	4	5
कृष्णा	पैडम	कोकेपुडि	170-1 भाग	0.0550 (ओ० स्क्० जी० सी०)
			170-2 "	0.0800 (ओ० स्क्० जी० सी०)
			169 "	0.0350 (जी० पी०)
			168 "	0.0050
			167-1 "	0.1500
			167-2 "	0.1600
			167-3 "	0.0800
			167-4 "	0.1700
			167-6 "	0.0100
			166 "	0.0300 (जी० पी०)
			165 "	0.0100
			60 "	0.1150 (जी० पी०)
			67-1 "	0.1600
			67-2 "	0.1600
			68-1 "	0.1800 (जी० पी०)
			68-2 "	0.0700 (जी० पी०)
			69-1 "	0.1000
			69-2 "	0.1000
			69-3 "	0.1300
			69-4 "	0.2600
			69-5 "	0.0400
			42-2 "	0.0700
			43-1 "	0.1200
			43-2 "	0.0600
			43-3 "	0.2000
			43-4 "	0.0500
			44-1 "	0.1450
			44-2 "	0.0250
			44-3 "	0.0020
			45 "	0.1450
			46-7 "	0.0200 (ओ० स्क्० जी० सी०)
			70	0.1600
			योग	3.0970

—A—A—A

[फा. सं. एल 14014/6/99-जीपी]

आई. एस. एन. प्रसाद, उप सचिव

New Delhi, the 17th June, 1999

S.O...1829.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas from Nandigama EPS to Andhra Fuels Limited in Andhra Pradesh State, a pipeline should be laid by the Gas Authority of India Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by subsection (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, K.G. Basin Project, Jetti Avenue, Danavaipet, Rajahmundry - 533103 (Andhra Pradesh).

Schedule

Distt.	Tehsil	Village	Survey No	Land to be acquired for ROU in Hectares
1	2	3	4	5
Krishna	Pedana	Konkepudi	170-1 Part	0.0550 (O.N.G.C)
			170-2 "	0.0800 (O.N.G.C)
			169 "	0.0350 (G.P)
			168 "	0.0050
			167-1 "	0.1500
			167-2 "	0.1600
			167-3 "	0.0800
			167-4 "	0.1700
			167-6 "	0.0100

1	2	3	4	5
			166 Part	0.0300 (G.P)
			165 "	0.0100
			60 "	0.1150 (G.P)
			67-1 "	0.1600
			67-2 "	0.1600
			68-1 "	0.1800 (G.P)
			68-2 "	0.0700 (G.P)
			69-1 "	0.1000
			69-2 "	0.1000
			69-3 "	0.1300
			69-4 "	0.2600
			69-5 "	0.0400
			42-2 "	0.0700
			43-1 "	0.1200
			43-2 "	0.0600
			43-3 "	0.2000
			43-4 "	0.0500
			44-1 "	0.1450
			44-2 "	0.0250
			44-3 "	0.0020
			45 "	0.1450
			46-7 "	0.0200 (O.N.G.C)
			70	0.1600
			Total	3.0970

[F. No.L 14014/6/99-GP]
I. S. N. PRASAD, Dy. Secy.

नई दिल्ली, 25 जून, 1999

का.आ. 1830.— केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाडीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिए भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाखण्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्ज) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप, लिखित रूप में सक्षम प्राधिकारी, सेंट्रल इंडिया रीफाइनरी परियोजना, भारत ओमान रीफाइनरीज लिमिटेड, 5/6 - फोर वे कोर्नर काम्प्लेक्स, सतलज होटल के पास, भुरावाव, गोधरा -389001, गुजरात को कर सकेगा;

अनुसूची

राज्य: गुजरात

जिला का नाम	तालुका का नाम	गांव का नाम	सर्वेक्षण सं. / खंड सं.	क्षेत्र		
				हेक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)	(6)	(7)
पंचमहाल	मोरवा (हडफ)	सालीया	400/3	0	19	67
दाहोद	बारीया	असायडी	128/1	0	30	30
दाहोद	दाहोद	भुतोडी	98	0	52	45

[फा. सं. आर-31015/26/99-ओ आर. II]

जो. क. मोघल, अवर सचिव

New Delhi, the 25th June, 1999

S.O. 1830.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, that for the purpose of laying such pipelines, it is necessary to acquire the right of users in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land, to the Competent Authority of Central India Refinery Project of Bharat Oman Refineries Limited, Four Ways Complex, Near Satluj Hotel, Bhuravav, Godhara -389001, Gujarat;

Schedule

State : Gujarat

Name of District	Name of Taluka	Name of Village	Survey No./ Block No.	Area		
				Hectare	Are	Centare
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Panchmahal	Morva (Hadaf)	Saliya	400/3	0	19	67
Dahod	Bariya	Asayadi	128/1	0	30	30
Dahod	Dahod	Bhutodi	98	0	52	45

[File No. R-31015/26/99-OR.II]

J. K. MAYALL, Under Secy.

अम मंसालय

नई दिल्ली, 27 मई, 1999

का.आ. 1831.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन के संबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-ii मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 26-5-99 को प्राप्त हुआ था।

[सं. एल.-12011/23/97-आई.आर. (बी-II)]

सी. गंगाधरान, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 27th May, 1999

S.O. 1831.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Overseas Bank and their workman, which was received by the Central Government on 26-5-99.

[No. L-12011/23/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer,

REFERENCE NO. CGIT-2/48 of 1998

Employers in relation to the management of Indian Overseas Bank

AND

Their workmen

APPEARANCES :

For the employen : S/Shri V. C. Ramchandran and B. R. Aparajit Representative.

For the workmen : Shri Vilas Parab Representative.

Mumbai, dated 4th May, 1999

AWARD-PART-I

The Government of India, Ministry of Labour by its order No. L-12011/23/97/IR(B-II) dated 24-04-98 had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Indian Overseas Bank in imposing punishment of stoppage of annual increments etc. on S/Sri Prekash Murudkar, Arun Kotkar, Shivaji Shinde, Aron Kharat, Subhash Sawant and Jayant Gorpade is legal and justified? If not, to what relief the affected workmen are entitled?”

2. The President of the Indian Overseas Bank Karamchand Sangh filed a statement of claimant Exhibit-5. It is contended that the workman mentioned in the reference are the employees of the Indian Overseas Bank (the management). They pleaded that in respect of the alleged incident dtd. 2-6-89, 12 employees were chargesheeted by chargesheet dtd. 22-7-89. The allegation was that on that date these 12 employees were members of the staff and about 200 to 250 outsiders formed and unlawful assembly trespassing the office of the Deputy General Manager of the Bank, around 1-30 p.m. The crowd caused simple and grievous injuries to about seven members of the staff who were working in the Regional Office/Zonal Office. They indulged in rioting, threatening and assaulting the persons and attacked, broke properties of the management. They damaged the telephone, chairs etc. lying in the office. They were giving slogans. They were using abusive language. The mob prevented other staff members from carrying on the duties threatening them from dire consequences and prevented them from using telephones. Due to the act there was a confusion, fear of life and the normal working of the bank was destructed. It is alleged that earlier to that on 5-5-89 these workmen were members of the mob gathered in front of Worli Branch around 9-30 a.m. in agitation and shouting dirty slogans against the Branch Manager, personally and also abused pasted posters on the outside walls of the Branch premises. Due to this agitation Worli Branch could not function on 5-5-89 as they prevented and threatened Worli Branch staff members for working. It was difficult for the Branch Manager to give service to the customers. Many valued customers of the branch were put to great difficulty and number of customer have complained of the non-functioning of the bank. It was alleged in the chargesheet that on 10-5-89 the Worli Branch was opened under heavy police protection as some of the staff members were still on agitation shouting slogans in front of Worli Branch premises and the workmen were one of the members. It is therefore they were charged under paragraph-17.5(c) (d), (e) of the Bipartite settlement.

3. The union pleaded that the domestic inquiry was conducted in respect of only 9 workmen. Out of 9 six were awarded punishment. The punishment was stoppage of increment.

4. It is pleaded that after the incident there was complaint to the police station by other union on 3-6-89. The management by its letter dtd. 6-6-89 also gave FIR to the police on 8-6-89. It is submitted that under such circumstances the chargesheet which was issued to the workman is violative under clause 17.4 of the Bipartite Settlement.

5. The union pleaded that the inquiry officer issued a chargesheet which is illegal. He also acted as a prosecutor which is not in accordance with the Principles of Natural Justice.

6. The union averred that they made a request that they should be allowed to be represented by a lawyer but it was rejected. It is averred that the persons who complained were not examined by the management even though on their grievance the chargesheet was issued. It is contended that the list of the documents and the list of witnesses was not given.

In fact the documents were given on the first date of the hearing and the hearing was adjourned to the next date by which these workmen could not prepare themselves in a domestic inquiry. It is averred that the inquiry was completed in a hurried manner within 4 days that is from 19th September, 1989 to 22nd September, 1989. It is pleaded that the chargesheet is defective. It is averred that no preliminary inquiry was conducted before issuing a chargesheet. For all these grounds it is submitted that the domestic inquiry which was conducted was against the Principles of Natural Justice.

7. The union averred that the findings of the inquiry officer are perverse, they are not based on the evidence before him. He relied upon the documents which were not duly proved.

8. The union contended that the management had violated the Principles of Natural Justice by imposing punishment of stoppage of three increments with cumulative effect in case of four workmen and one increment with cumulative effect in case of two workmen on false grounds. For all these reasons it is prayed that the punishment which is awarded may be set aside and the management may be directed to pay the dues to the concerned workmen.

9. The management resisted the claim by the Written Statement (Exhibit-9). It is averred that there is no bar for conducting a domestic inquiry when a complaint is given. It is averred that while conducting the inquiry the inquiry officer had followed the Principles of Natural Justice and his findings are based on the evidence before him. They are not perverse. It denied all the contentions taken by the union. It is submitted that the punishment which is awarded is perfectly legal and proper. It is averred that if the Tribunal comes to the conclusion that the domestic inquiry conducted by the management is not proper it may be allowed to lead evidence and establish the charges against the delinquent employee. For all these reasons it is submitted that the reference may be answered in favour of the management.

10. The issues are framed at Exhibit-12. Issues Nos. 1 & 2 are treated as preliminary issues. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the domestic inquiry which was held against the workmen was against the Principles of Natural Justice ?	No
2. Whether the findings of inquiry officer are perverse ?	No

REASONS

11. The union had examined Vilas Parab (Ex-19) the President and Shivaji Shinde (Ex-21) one of the concerned workmen in this reference and relied upon the documents on the record. They have also filed a very very detailed argument, at Exhibit-28. As against that the management examined V. C. Ramchandran (Ex-23), Deputy Chief Officer. They relied upon the documents which are produced on the record and they filed written arguments at Exhibit-27.

12. The contention of the union that in view of clause-17.4 of the Bipartite settlement they should not have been issued a chargesheet and a domestic inquiry should not have been conducted. It is not in dispute that after the incident dated 2nd June, 1989 the other union and the management had complained to Colaba Police Station in respect of the incident and a case was registered against these workmen. On the basis of clause-17.4 it is submitted that in view of this clause the management should have waited for a year before conducting the domestic inquiry admittedly they did not. It is tried to argue that it is well settled position in view of the different rulings that there is no need to stop for a domestic inquiry when a criminal case is pending. In Pushawar Dubey and M/s. Bharat Cooking Coal Limited and Ors. 1998 II LLJ 47 Their Lordships in categorical terms have observed that it is not possible to settle the law in a straight jacket formula as judicial opinion appeared to be conflicting on the question as to whether the disciplinary action had to be stayed till the criminal trial was over. It should be hazardous state to lay down law in a straight jacket formula as that would create a greater hardship in some cases. It is further observed that there could be no legal bar in simultaneous proceedings being taken namely criminal proceedings as well as departmental proceedings in view of the Judgment in Delhi Cloth and General Mills Ltd. Vs. Kushal Bhan 1960 I LLJ 520 and Tata Oil Mills Company Vs. Workmen 1964 II LLJ 113 and Jung Bahadur Singh Vs. Balajinath 1969 I SCR 134. Their Lordships have also observed in that authority that in appropriate case there might be a requirement to staying the domestic inquiry till the decision from the criminal court. It is with a view that a prejudice should not be caused to the workman in criminal proceedings for taking defence.

13. In State of Rajasthan Vs. B. C. Mina 1997 I LLJ 746 Their Lordships observed there is no legal bar in continuing departmental action and criminal proceedings simultaneously. Stay of disciplinary proceedings pending criminal trial can be considered in case when charges are grave and complicated question of law and fact arise and whether the employee may be prejudiced in his defence in criminal proceedings. Stay of disciplinary proceedings should be reviewed where criminal case unduly delayed. Undue delay in a criminal case is a good case for going ahead with the disciplinary inquiry where the disciplinary proceedings were held at an earlier stage.

14. Relying upon the ratio in the above said authority it can be seen that by conducting the domestic inquiry against these workmen eventhough the criminal case was pending no prejudice is caused. It can be further seen that in a domestic inquiry no stay was obtained on the ground that the criminal case is pending.

15. Eventhough the complaint was given in respect of the same incident on which the domestic inquiry was conducted I find there is a difference between the charges in a domestic inquiry and the charges in a criminal trial. These workman got acquittal in a criminal trial on 5-3-93 i.e. after lapse of about four years after the decision in the domestic inquiry I therefore find that the contention taken by the union

that the inquiry was against the Principles of Natural Justice in view of the clause-17.4 is not acceptable.

16. Exhibit-6/4, pg. 65 to 78 are the copies of the chargesheet. After perusal of the chargesheet I do not find any vagueness in it. There is a difference between the domestic inquiry and a criminal trial. After going through these charges the concerned workman has informed what are the allegations against him and what he has to say regarding the same. In the written argument the vagueness which is tried to be submitted is simply not putting up the particular names in the chargesheet. Non-mentioning of those names is not all caused prejudice to the workman nor it can be said that the chargesheet is vague.

17. In the written argument it is contended that the inquiry officer did not explain the workman the procedure of inquiry proceedings nor they were informed their right of proper defence assistance. This contention does not find place in the statement of claim. Even for the sake of argument it is said that now they can raise it. I do not find merit in it. It is because looking to the inquiry proceedings it can be seen that they were aware of the procedure of domestic inquiry and their right in such a proceedings. They are the office bearers of the union.

18. In the inquiry the submission was made that they may be allowed to be represented through lawyer. The inquiry officer refused that prayer. The inquiry officer had categorically observed that such a permission can be obtained by the management and he is not granting the same. Immediately on the next date the inquiry proceedings was conducted. It is therefore submitted that as they were not properly represented in the inquiry through lawyer the inquiry was against the Principles of Natural Justice. There is nothing on the record to show that what prejudice was caused. The charges which were levelled against the workman cannot be said to be complicated one but there were certain allegations that a particular thing was done by these workmen at a particular place and that amounted to breach of clauses of the Bipartite settlement. As this is so there was no need of a lawyer. Further more the employees who were concerned in this domestic inquiry were the office bearers of union. They know the procedure. They know how the cross-examination is to be carried out. Infact after looking to the proceedings it can be seen that they have carried out the cross-examination in its proper way. It can be further seen that there is nothing on the record to show that a prejudice was caused to them and they were pitted against a well trained person in the inquiry.

19. It is tried to argue that on 19-9-89 i.e. on the first date of the inquiry these workmen were given copies of the 35 documents which were produced alongwith (Exhibit-17) and the inquiry was postponed on the very next date for further evidence. It is tried to argue that they could not get sufficient time to study the matter and cross-examine the witness on the basis of the documents. I am not inclined to accept this. It is because after perusal of the documents it can be seen that there is nothing new in it. Again the inquiry was in respect of the alleged incident.

These documents are not that material as the workman wants to allege. Again I repeat that there is a difference between the domestic inquiry and criminal trial. In a domestic inquiry the matter is looked into on the preponderance of probabilities and not like criminal trials proving the fact beyond reasonable doubt. I therefore find no merit in this contention.

20. It is common knowledge that when there is no Presenting Officer the inquiry officer questions in a straight way. They cannot be termed as leading questions. The argument of the union that the Presenting Officer put leading question to the witnesses is without any merit. After going through the questions which alleged to be leading is shown in the written argument. I am not inclined to accept that it has caused any prejudice to the workman. Infact such types of questions are normally put in a domestic inquiry. On this ground also it cannot be said that the inquiry is against the Principles of Natural Justice.

21. It is tried to argue that the persons at whose instance the charges were levelled were not examined and it is denial of opportunity. It is well settled that the choice of examining the particular witness is on the management. They cannot be compelled to examine the particular person. It is tried to allege that the signatories of the documents which were produced in the inquiry were not examined and that has caused prejudice. In a domestic inquiry there is no need for such an examination.

22. It is argued that the inquiry officer has shown in the records that all the questions in the cross-examination of management witnesses were asked by all the nine chargesheeted workmen together. It is quiet impossible and it had not taken place at all. They were asking the questions individually without knowing any procedure or consequences of the answers given the management witnesses. Six workmen did not and could not cross-examine the management witnesses who were prejudiced. It is argued that the whole evidence recorded in cross-examination cannot be used against any of the chargesheeted workman as there is no mention of the record as to who put questions and no opportunity was given to explain other chargesheeted workman who was prejudiced by evidence recorded in the manner. Infact this type of objection should have been taken at the time of the inquiry itself it was not taken. It appears to me from the inquiry proceedings of these workmen are of the same union and they were the office bearers of the union and they were collectively taking action in the proceedings. No prejudice is caused to them.

23. It is tried to argue that the disciplinary authority had chosen to take action against some of the employees only, even though there were allegations against many other workmen also. It is alleged that this proves bias against the workman. I am not inclined to accept this. It is because initially a chargesheet was issued to 12 persons and later on the management decided to conduct the domestic inquiry against nine persons only. In the inquiry no point was raised by the workman that the inquiry officer is biased against them. I do not find any merit in it.

24. Now it is to be seen whether the findings of the inquiry officer are perverse. The inquiry proceedings are produced at Exhibit-13/3. They are from pages 5 to 201. The management had examined Vinayagam (MW-1), Shri V. P. Chaturvedi (MW-2); Shri Vasant Kumar (MW-3); Manjonathan Pai (MW-4) and Balachander (MW-7) in respect of the incident at Regional Office, Mumbai. So far as the incident at Worli branch is concerned they examined Dubey (MW-5) and Rane (MW-6). The management produced 35 documents in the inquiry proceedings. Its copies are produced alongwith (Exhibit-17/pgs. 1 to 34).

25. Exhibit-13/2 are the findings of the inquiry officer which are at pages 16 to 49. After perusal of these report I find that the inquiry officer had considered the testimony of all the witnesses and the documents on the record and had given the cogent reasons for coming to the conclusions. It is well settled position that for setting aside the findings of the inquiry officer the perversity has to be seen and it is not sufficient to challenge the findings on the ground that over view is possible. After going through the written arguments which is filed by the union they had tried to put on the record that appreciation of the evidence should have been done in a particular way for coming to the conclusion that the charges against them are not proved. That is exactly not sufficient. Further more after going through the inquiry proceedings and testimony of these witnesses the conclusions which are drawn by the inquiry officer appears to be correct.

26. After going through the testimony of all these witnesses it can be seen that some of the witnesses had pointed out some of the workmen and their involvement as shown in the chargesheet. It is tried to argue on behalf of the union that all the witnesses have not indentified these workmen involved in the incident. Eventhough it is so it cannot be said that charges are not proved. It can be further seen that the union had examined Shivaji Shinde (Ex-21) who deposed that he availed the LTC and was out of station between 2-5-89 to 10-5-89 and had already submitted the bills with the bank and he received the amounts. On its basis it is tried to argue that he was wrongly chargesheeted. It cannot be forgotten that the material on the record is contemplated under the Industrial Disputes Act as the evidence before the inquiry officer which I have to consider at this stage. It is not that the new evidence is to be seen while assessing whether the findings given by the inquiry officer are perverse or not. It is therefore, the testimony of Shinde is of no use to the Association.

27. For all these reasons I record my findings on the issues accordingly and pass the following order :—

ORDER

The domestic inquiry which was held against the workman was as per the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 31 मई, 1999

का.प्र. 1832.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबन्धसूत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण- भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल.-12012/28/93-आई.प्र. (बी-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 31st May, 1999

S.O. 1832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen which was received by the Central Government on 31-5-99.

[No. L-12012/28/93-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

COPY OF THE ORDERS PASSED BY THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR ON 09-04-99 IN I.D. CASE NO. 28/93 (CENTRAL) (LETTER NO. 12012/28/93 IR (B-II) dtd, 16-08-93 OF THE GOVERNMENT OF INDIA, MINISTRY OF LABOUR, NEW DELHI).

Sl. No.—47 dtd. 9-4-99—A reference is made as per the order of the Government of India in the Ministry of Labour dtd, 16-08-93 to this Tribunal on the issue whether the claim of Sri Dukhishyam Nanda that the management of Andhra Bank was not justified in terminating his service and that he should be appointed in the services of the bank on regular basis is justified and to what relief, if any, is Sri Nanda entitled?

The first party management in a petition questioned the maintainability of the reference and prayed this Tribunal for answering the question of maintainability before entering into the merits of the case. The second party who presently stands represented by the legal representatives objected the question of maintainability in view of the Statutory provisions of Section 10(8) of the Industrial Disputes Act which lays down that no proceeding pending before inter-alia Industrial Tribunal shall lapse on account of death of the workman. It is further pointed out that the application is belated and the issue on the question of maintainability which involves a mixed question of fact and law should not be taken-up as a preliminary issue. Pointing to the averments in the claim statement, it is pointed out that the services of the deceased workman were terminated illegally and that his services were not regularised as he was found

over-qualified in violation of Section 25-F Section 25-H and Section 25-N of the Industrial Disputes Act for which the deceased workman had claimed reinstatement with back wages from the date of illegal termination and regularisation since his juniors were retained in service. The reliefs claimed by the second party can always be computed in terms of money for the benefit of the legal heirs and as such the dispute does not warrant abatement on account of the death of the workman. On these premises it is contended that a technical view on the question may not be appropriate. It is further contended that the final determination of issues involved in a reference may be relevant for regulating the condition of service of other workmen in the industry though in the event of death of a workman during the pendency of the proceeding the relief of reinstatement cannot obviously be granted. There could also be cases where there may be a claim of back wages or monetary relief in any other form. The death of the workman during the pendency of the proceeding cannot deprive the heirs or legal representatives of their right to continue the proceeding and claim the benefit as successors to the deceased workman.

The management vehemently argues that what Section 10(8) of the Industrial Disputes Act protects is abatement of a pending proceeding. In the instant case it is undisputed that the reference was made on 16-8-93 though the workman had expired six months prior to the reference on 15-2-93. The death of the workman having taken place long before the reference of the dispute for adjudication, the provisions of Section 10(8) of the Industrial Disputes Act do not apply. The Tribunal lacks inherent jurisdiction to proceed with the dispute in view of the death of the claimant-workman on the basis of a reference made six months thereafter. It is further contended that the issues involved in this case being on the question of regularisation of the workman who while on casual engagement was terminated from service allegedly w.e.f. 7-9-91 they do not survive beyond the life time of the workman, consequently the heirs cannot effectively continue with the dispute.

It is seen that the cause of action is personal to the workman and significantly there is neither a claim for back wages nor any monetary claim. The claim of reinstatement or appointment on regular basis is a personal right of the deceased employee and such right does not devolve on the widow or the children of the workman.

Law is well settled that a claim for reinstatement must come to an end with the death of the employee. Such a claim could not be awarded to the widow or other children of the employee. In this connection, reliance is placed on a decision in *Ambabai Manjunath Amin Vrs. P. L. Majumdar*, reported in 1997 (I) LLJ page-36. In the reported decision the Bombay High Court observed that if the entire cause of action is personal to worker it comes to an end on the death of worker. There is no question of bringing the heirs on record and continuing the reference. The Supreme Court in the decision in *Rameswar Manjhi Vrs. Management of Sangramgarh Colliery*, reported in 1994 (I) LLJ page-376 have held that it is obvious that the applicability of the maxim *actio personalis*

moritur cum person depends upon the relief claimed and facts of each case. It was held that in the event of death of the concerned workman the relief of reinstatement cannot be granted.

In the instant case it is contended on behalf of the management that the workman died six months before the reference and thus the reference was misconceived in the eye of law. It is not a case of death of the workman during pendency of the reference which somewhat is saved from abatement u/s. 10(8) of the I.D. Act. In the face of the fact that by the date of reference the workman was long dead and that there is a claim of regularisation in service which obviously does not survive to the legal heirs of the deceased workman, the reference is not maintainable in law. As the cause of action does not survive to the legal representatives, continuance of the proceeding any further appears infructuous. Keeping in view the broad outlines of the case it may be hypothetical to imagine monetary benefits to flow from the Award for enjoyment of the legal representatives of the deceased workman, should the management fail on merits. When the results are foregone it tantamounts to causing hardship to the heirs of the deceased workman by prolonging the proceeding.

In the result, it is held that the reference is not maintainable. Hence, it is disposed of on grounds of non-maintainability.

SRI HIMADRI MOHAPATRA, Presiding Officer

नई दिल्ली, 31 मई, 1999

का.शा. 1833:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलूर के पंसाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल.-12012/40/86-डो.-IV (ए.)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 31st May, 1999

S.O. 1833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal| Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 31-5-99.

[No. L-12012/40/86-D.IV(A)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT, BANGALORE

Dated : 13th May, 1999

PRESENT:

Justice Ramakrishna Presiding Officer.

C.R. No. 44/1989

I PARTY

Shri Sudhakar, Clerk
Rep. by The General Secretary
Vijaya Bank Worker's Organisation
K.G. Road, Bangalore-9.

II PARTY

The Divisional Manager
Vijaya Bank, No. 14,
M.G. Road,
Bangalore-560 001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of the sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/40/86-D.IV(A) dated 18-7-89 on the following schedule:

SCHEDULE

"Whether the action of the management of Vijaya Bank in issuing warning to Shri Sudhakar, Clerk is justified? If not, to what relief is the concerned workman entitled?"

CORRIGENDUM

Whereas the High Court of Judicature of Karnataka at Bangalore had directed the Government to refer the Industrial Dispute between the Vijaya Bank over issue of warning and recovery of Rs. 8130 from Shri Sudhakar, Clerk.

And whereas in compliance of the High Court's directive, the Central Government referred the above said dispute to the Central Government Industrial Tribunal, Bangalore for adjudication vide order of even number dated 18-7-1989.

And whereas by clerical error, the dispute pertaining to the recovery of Rs. 8130 from Shri Sudhakar was not included in the schedule to the reference order.

Now, in order to rectify the error, the Central Government hereby modifies the terms of reference in the order of even number dated 18-7-1989 to read as under.

"Whether the action of the management of Vijaya Bank in issuing warning to Shri Sudhakar, Clerk and making recovery of Rs. 8130 from Shri Sudhakar are justified? If not, what relief the workman is entitled to?"

2. The original reference received on 20-7-1989. Due to some defect in the schedule the corrigendum got issued on 25-7-1991. Parties have filed their respective statements on 30-9-1991 and 21-4-1992 respectively. This tribunal framed a preliminary issue to

decide the validity of domestic enquiry on 21-4-1992. Thereafter the progress of the case is very pathetic. To prove the validity of domestic enquiry the second party examined the presenting officer and the workman examined himself. This evidence was recovered during 1994. Meanwhile there was an application by the second party to frame an additional issue in respect of maintainability and take that issue as a preliminary issue. The said contention is rejected vide order dated 15-9-1992. For want of Stenographer this tribunal has not passed any order since 8-3-1996. It was continued till 14-9-1998. Infact it is endorsed in the order sheet that some party who moved the High Court to furnish the copy of the stay order.

3. Later this tribunal issued notices under RPAD to both parties, to make progress in the case. The learned Advocate for the second party appeared. The first party and the Advocate remained absent, though the notice was duly served. On the basis of the available materials this tribunal has passed an order on the validity of domestic enquiry on 21-1-1999 in favour of the management. The case is posted for merits. First party and the advocate remained absent. Later a direction was given to the learned Advocate for the first party to keep present of the concerned workman. This direction was not complied.

4. The charge against the first party is that due to his negligence he has given scope for a stranger to approach him and enter the cash cabin and later it was found that a sum of Rs. 14,000 was found missing. Therefore the misconduct is quite grave in nature and the said charge sheet was issued for having committed the misconduct under clause 19.5(j) and 19.7(d) of the Bipartite Settlement.

5. The enquiry officer gave a finding of guilt on both charges. The Disciplinary Authority proposed the punishment of stoppage of one increment temporarily for a period of 6 months. After considering the representation of the first party the disciplinary authority took a lenient view and the workman was warned. As it regards to the loss of money due to negligence of the first party a Administrative action was taken to make good of financial loss. Since a portion of loss was made good by the Insurance Department the balance was ordered to be recovered from the workman.

6. The first party has not placed any material to show that the order of the disciplinary authority requires any interference. Giving a warning is not at all the punishment in the legal sense and therefore there is no Industrial Dispute to adjudicate. The amended schedule due to corrigendum has exceeded the limitation and therefore the adjudication on the question of Administrative act in recovering the money cannot be called as punishment under the Industrial law.

Consequently this reference fails and the same is dismissed.

(Dictated to the Stenographer, transcribed by her, corrected and signed by me on 13-5-1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 31 मई, 1999

SCHEDULE

का.आ. 1834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल.-12012/169/93-आई.आर. (बी.-II)]
सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 31st May, 1999

S.O. 1834.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 31-5-99.

[No. L-12012/169/93-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT, BANGALORE

Dated the 14th May, 1999

PRESENT

JUSTICE R. RAMAKRISHNA, Presiding Officer
C.R. No. 63/1993

I PARTY

The General Secretary
Vijaya Bank Employee's
Federation, 18—22,
Cubbonpet Main Road,
Bangalore : 560 002.

V/s.

II PARTY

The Chairman and
Managing Director
Vijaya Bank,
Head Office
Bangalore : 560 001.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/169/93-IR(B-II) dated 4-11-1993 on the following schedule :

"Whether the action on the part of the management of Vijaya Bank in dismissing the service of Shri Anand Shetty, Clerk, Kastur Branch from 11-8-1992 for certain alleged misconducts is justified? If not, to what relief, the workman is entitled to?"

2. The concerned workman in this dispute is Shri. Anand Shetty, a Clerk working at Kastur Branch, Mysore District at the relevant point of time.

3. It is alleged that on 23-3-1991 at about 4.30 p.m. he entered the premises of the bank in a state of drunkness and approached the cabin of Shri Y. S. Madiwal, Branch Manager and abused him in filthy language. When the said manager came out of the cabin he has physically assaulted him and again used abusive language. He was made to cool down by the intervention of Shri B.T.D. Rai an Officer. This was witnessed by other staffs Chikkegowda. N. S. Nagaraj who were present in the Branch in connection with closing year ending account. It was a Saturday and these staff were working due to the special work where this workman was also called to assist in this work.

4. To this effect an article of charge was issued to him dated 17-6-1991 after keeping the workman under suspension. This charge sheet is based on the written complaint given by the Branch Manager to the highups. Therefore two charges were framed against the first party. One is unruly behaviour, assaulting the manager and using abusive language. The second charge is act of disrupting other staff members working in the branch. These acts are classified as gross misconduct under clause 19.5(E) and 19.5(J) of Chapter XIX of Bipartite Settlement.

5. This workman gave a four line explanation to the effect that the charges contained in the charge sheet were not committed by him and he denied the same.

6. An enquiry was conducted by appointing an Enquiry Officer by name K. R. Sudhindra. The presenting officer examined three witnesses for management and 17 documents were marked. The record shows that the workman has not examined himself nor examined anybody on his behalf.

7. In his written brief he has raised several contentions at it relates to the merits of the evidence spoken to by management witnesses. The enquiry officer has merely considered these questions and having come to the conclusion that these questions were not answered, has proposed to hold that the misconduct are not proved.

8. At this juncture it is relevant to point out that the findings on the validity of domestic enquiry was not given as the learned Advocate for this workman submitted that the report of the enquiry officer is in favour of the workman and therefore they are not intended to question the validity of domestic enquiry. In view of this submission the

finding on this aspect of the matter was dispensed with.

9. After the receipt of this report the disciplinary authority has not accepted the conclusion reached by the enquiry officer on the evidence placed by the second party. Therefore the disciplinary authority issued the second show cause notice dated 1-6-1992, by disclosing briefly the facts of the case and brief reason for not accepting the report of the enquiry officer and thereby proposed punishment was informed to the workman. The proposed punishment were dismissal from services with immediate effect for charge no. 1 and stoppage of two increments permanently for charge no. 2.

10. The workman gives a detailed statement in the form of explanation for the proposed punishment and the reason to disagreeing with the findings of the enquiry officer.

11. The Disciplinary Authority after taking these facts into consideration has proceeded to pass an order dated 11-8-1992. In this order the disciplinary authority has considered the point raised by the workman both before the enquiry officer and to the explanation to the proposed punishment and concluded that the charges against the workman are proved on the available materials placed before the enquiry officer and thereby imposed the punishment suggested in the letter dated 1-6-1992.

12. I have gone through the evidence of MW-1 to MW-3. MW-1 and MW-2 are Dayanand Rai and Y. S. Madiwal the Officer and Branch Manager respectively who were present at the time of this incident. MW-3 B. Shetty, Senior Manager who conducted investigation on the complaint of MW-2 before issuing a charge sheet.

13. Both MW-1 and MW-2 have clearly established that the first party has committed the offence contained in the charge sheet as he was deprived of housing loan and the credit card of the Vijaya Bank. MW-2 gave explanations as to how these facilities were not extended to this workman.

14. The proved misconduct of this workman is grave in nature but unfortunately when this incident took place no customers were present as Saturday was half working day.

15. Now the only question that requires consideration is whether the order of dismissal is disproportionate to the proved misconduct against the workman ?

16. The aggravated character of the workman was pointed out to be the reason of drunkenness. The workman tried to avoid this. In his representation Ex-M-4 he declares that he has taken a Pan Beeda before entering Bank premises and he was intoxicated and he did not know the reason.

This explanation is totally fallacious except the fact he was in the stage of drunkenness.

17. This workman was appointed during 1977. This incident occurred during 1991. So he has put up totally 14 years of services as on that day. There is no bad report as it relates to his conduct during these 13 years. In his petitions to Appellate Authority he has stated that he has got a wife and three female children and aged parents who are mainly depending on him. He has also stated further that after this incident he returned to his native place Puttur and was not successful to get any alternative job of any kind.

18. The law is well settled that where the punishment is shockingly disproportionate the findings can be interfered with to alter the nature of the punishment.

19. It is true that the action of this workman is unbecoming of an bank employee, but the circumstances under which he has committed the said misconduct is also a factor to be taken for consideration in imposing the punishment. He has to his credit 14 years of unblemished services and therefore there is no impediment to take this fact into consideration to extend some consideration in this behalf.

20. On the facts and circumstances of this case, it is true that he has lost a valuable employment by his momentary act and thereby he has brought misery to himself and to his family members. Therefore some lenient view is absolutely necessary to make some provision for his broken life. Therefore the benevolent provision contained under Section 11A is to be extended in favour of this workman.

Having regards to these facts and circumstances the order of dismissal for the first charge is hereby set aside. The order of imposing stoppage of two increments permanently for the second charge is maintained. The second party are directed to reinstate the workman to his original cadre. He is entitled for continuity of service but not entitled to any back wages. The reference is answered accordingly.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 14-5-1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 31 मई, 1999

का.आ. 1835 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रवन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल.-12012/210/88-डी.-II(ए.)]

सी. गंगाधरण, बैंक अधिकारी

New Delhi, the 31st May, 1999

S.O. 1835.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 31st May, 1999.

[No. L-12012/210/88-DII(A)]
C. GANGADHARAN, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated: 19th May, 1999

PRESENT:

Justice R. Ramakrishna, Presiding Officer.
C.R. No. 53/1988

I PARTY

Shri K. Narasimhaswamy
C/o. Puttegowda
S/o. Thirumalagowda,
Village—Bilidegalu Post
B. H. Colony, Mandya,
KARNATAKA.

II PARTY

Deputy General Manager,
Canara Bank, Bangalore
Circle Office, Staff Section,
P.B. No. 5147,
M.G. Road, Bangalore-1.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12012/210/88-D.II(a) dated 14th September, 1988 for adjudication on the following Schedule.

SCHEDULE

"Whether the action of the management of Canara Bank in dismissing from service Shri K. Narasimhaswamy is justified? If not, to what relief the workman entitled?"

2. This dispute is virtually an off shoot of C.R. No. 165/1987 which was decided by this tribunal on 30th November, 1998. This workman and the workman in C.R. No. 165/1987 were charged for several misconducts connected to single transaction.

3. The charges in short, made against the workman in C.R. No. 165/87 was that of carelessness and connivance in parting with some loose cheques maintained by the bank which were later misused by an account holder of Rajajinagar branch in withdrawing the amounts belongs to another account holder. The second charge was that a fictitious person opened an account at Town Hall branch. A cheque book of a customer of Malleswaram branch was obtained by a stranger by producing cheque book requisition voucher and later the money from the said account holder was withdrawn by the alleged fictitious person of Town Hall branch to the extent of Rs. 70,800. Later the said fictitious person obtained a Demand Draft for Rs. 70,000 payable at Chamarajamohalla branch at Mysore. Later the said D.D. was discounted and cash was obtained at Chamarajamohalla branch.

4. The later part of the event i.e. while encashing the demand draft the first party workman alleged to have been accompanied the said fictitious person, whose name is given as Shri C. Chikkanna and the manager of Chamarajamohalla branch on the identification of the first party workman gave the cash to the Chikkanna, the demand draft holder.

1759 GI/99—22.

5. We have considered in detail the case of the second party against the workman in C.R. No. 165/1987 and came to the conclusion that the report of the Enquiry Officer was perverse and therefore any punishment imposed on the said perverse order is legally impermissible. Therefore passed an order of reinstatement and other attendant benefit including payment of backwages at the rate of 50 per cent.

6. The allegation against this workman, who was working as a Peon, on the date of issue of charge sheet, i.e. 25-4-1984, was as hereunder:—

"On 7-2-1984, a sum of Rs. 70,800/- was fraudulently withdrawn from S.B. a/c bearing No. 41966 of Sri. Chikkanarasimhaiah, a customer of our Malleswaram, Bangalore Branch. This amount was Collected through a fictitious S.B. account bearing No. 29118 opened in the name of C. Chikkanna at our Town Hall, Bangalore branch. Out of Rs. 70,800/- fraudulently withdrawn, a sum of Rs. 70000/- was utilised for the purchase of a D.D. payable at Mysore. This D.D. was purchased at our Town Hall, Bangalore branch on 8-2-1984 and the same was encashed at our Chamarajamohalla, Mysore branch by one C. Chikkanna in whose name the above said S.B. account 29118 had been opened at our Town Hall, Bangalore Branch. While purchasing the said D.D. at the request of the purchaser, our Town Hall Branch had issued an identification card in F-43 and the D.D. was encashed at our Chamarajamohalla, Mysore branch by producing the said Identity Card.

You had accompanied the said Chikkanna to our Chamarajamohalla Branch while encashing the D.D. on 9-2-1984.

We have reasons to believe that you have connived with the person who has encashed the said D.D. and thus assisted him to fraudulently withdraw the money from the Bank.

All your above actions being prejudicial to the interest of the Bank you have committed gross misconduct within the meaning of Chapter XI Regulation(m) of Canara Bank Service Code.

7. The workman has denied the charges. An enquiry was instituted by the management and the enquiry officer was Shri N. C. Guru, a Senior Manager. The enquiry officer on the assessment of the materials placed before him came to the conclusion that the misconduct alleged against the workman was proved and he has also proposed the punishment of dismissal from service of the bank. The workman was not successful before the Disciplinary Authority and the Appellate Authority. Thereafter an Industrial Dispute was raised resulting in this reference.

8. The parties appeared before this tribunal and submitted their pleadings. Since it is mandatory to give a finding on the validity of domestic enquiry we have framed a preliminary issue and asked the second party to justify the validity of domestic enquiry. After recording the evidence of the management witnesses and the workman, my predecessor came to the conclusion that the domestic enquiry was not conducted in accordance with law and also principles of natural justice was flouted. On the basis of this conclusion the domestic enquiry was set aside.

9. Consequent to this order the second party was permitted to prove the misconduct of the first party independently by adducing evidence, if necessary or by any other mode.

10. Two witnesses were examined to prove the misconduct independently. The workman also gave his evidence against the order of dismissal.

11. Shri V. S. Naik, a learned advocate for the first party has submitted that in view of the finding arrived by this tribunal in C.R. No. 165/87 there is no impediment to hold that the principles discussed in that dispute is applicable to this dispute also. The learned advocate further submitted that the second party failed to prove the involvement of the first party workman in accompanying a fictitious person to Mysore in order to assist him to get the cash against the D.D. in question

12. In C.R. No. 165/87 the findings of the enquiry officer was scrutinised with great care and caution and having found that the finding of the enquiry officer was not based on legal evidence and the interpretation of the evidence was also found not in accordance with settled principles law and therefore the said finding was given.

13. We may go further in this dispute to hold that the enquiry officer was biased and therefore he has reached a conclusion which is legally not sustainable.

14. It is pertinent to note that the enquiry report in C.R. No. 165/1987 and the report in this dispute were passed on 6-11-1984. We are not able to make out whether these orders are simultaneously issued and out of which order was passed earlier. This fact requires significance as this enquiry officer while giving his report in C.R. No. 165/87 makes some observations at pages 8 & 9 of the report as follows:

"Another, employee, Sri K. N. Swamy, peon of RMV Extension branch, Bangalore is also facing charges for colluding and assisting Chikkanna in encashing the draft made out of fraudulent withdrawal of Rs. 70,800 from the account of Sri Chikkanarasimhalah. This person is known to Smt. Lalitha very intimately. She has admitted the fact that he was staying with her family members. She has stated that, before joining the bank, Sri K. N. Swamy, was employed in a firm of which Smt. Lalitha's husband's brother was a partner. After the death of her brother-in-law, the firm was closed and since then he was staying with them, as he was also known to her husband.

That fact that Sri K. N. Swamy, Peon, RMV Extension branch, Bangalore, who is also charged in this connection was identified at the time of encashment of the draft to have accompanied the payee at our Chamaraa-Mohalla Branch, Mysore, was staying with the family of Smt. B. S. Lalitha goes to show that she had master minded the whole plot and the fraud was carried out successfully through some unknown person besides Sri K. N. Swamy.

15. Therefore it is crystal clear that the involvement of this workman was made on the basis of his acquaintance with the workman in C.R. No. 165/87. In this background we have to analyse evidence adduced before this tribunal, atleast to appreciate the stand taken by the management.

16. A Senior Manager, who was working at the relevant point of time at Chamaraa Mohalla branch has examined as MW-3. He has stated in his examination-in-chief that he knew the first party against whom an enquiry was conducted. He was a witness in that enquiry. He remembers the presence of the first party when he came to our bank along with one Chikkanna to encash D.D. for Rs. 70,000. The first party visited on 9-2-84, he has informed me that he is an employee of Canara Bank, Sadashiv Nagar, Branch. He has also informed that the encashment is required to make use by Chikkanna to purchase a Land.

17. In the cross examination this witness says that the procedure to encash a DD is that the holder should have an account in the bank to which the DD is drawn. If there is no account he must bring a person known to the bank. Holder of the instruction was a stranger to him. If the DD is tendered for an encashment we prepare a separate slip for our accounting. I was not noted either in the instrument or separately that Sri Narasimhaswamy (first party) came along with Chikkanna and identified before the money was paid. I was expected to take the address, designation and signature of the introducer.

18. The second party have mostly relied on circumstantial evidence to prove the misconduct against this workman and the workman in the C.R. No. 165/87. However the management attempted to place the direct evidence by examining MW-3. If we carefully examine his evidence in the cross examination he has given a clear go by to his evidence recorded in examination-in-chief. He has failed to follow several statutory rules while encashing the D.D. and therefore his evidence can not be believed to come to an isolation

conclusion that the first party accompanied the alleged Chikkanna. In fact it is in the evidence that along with D.D. an identification card was also given to the Chikkanna by the Town Hall branch by the second party bank.

19. In view of these facts and circumstances the second party are not justified in passing an Order of dismissal on unproved misconduct. Therefore, I make the following Order.

ORDER

The second party was not justified in dismissing the first party workman w.e.f. 22-6-1985. The first party is entitled for reinstatement and continuity of service. His wages or salary shall be fixed as if he has continued in service without any interruption.

With regard to back wages the first party is entitled to full back wages from the date of his dismissal till he is reinstated. It is noticed that after setting aside the validity of domestic enquiry this court granted interim relief. Therefore the amount paid as interim relief is liable to be deducted in the back wages ordered to be paid to him.

The reference is answered accordingly.

(Dictated to the stenographer, transcribed by her, corrected and signed by me on 19th May, 1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली 31 मई, 1999

का.सा. 1836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबन्धतंत्र के संबन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बैंगलोर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल.-12012/327/95-आई.आर. (बी.-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 31st May, 1999

S.O. 1836.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure to the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workman which was received by the Central Government on 31-5-1999

[No. L-12012/327/95-IR-(B-II)]

C. GANGADHARAN, Desk Office

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, 19th May, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer

C.R. No. 121/1997

I PARTY

Sri B. V. Dharwadkar,
Committee Member,
B.O.M. Employees Union,
C/o Bank of Maharashtra,
Bijapur.

V/s.

II PARTY

The Regional Manager,
Bank of Maharashtra,
(R.O.),
Bangalore.

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L-12012/327/95-IR (B-II) dated 22-3-1996 on the following schedule:

SCHEDULE

"Whether the action of the management of Bank of Maharashtra, Bangalore in dismissing the services of Shri Ramesh G. Yelgar, Part-time sub-staff w.e.f. 12-1-1993 is legal and justified? If not, what relief is the said workman entitled to?"

2. The concerned workman is Ramesh G. Yelgar, whose name was sponsored by the Employment Exchange for the post of part-time sub-staff on half wage basis to work as a sweeper. After his selection the second party issued an order dated February 20, 1992 to report for duty immediately to work at Gulbarga. Initially probation of three months were fixed with a scope to extend only once, with usual right on termination during the probation period. Under Clause 3 of this order it is stipulated that if any information supplied by him or his claim if any of belonging to S.C./S.T. is later on found to be false, his services are liable to be terminated without any further notice.

3. The other alleged condition said to have been stipulated by the second party was that to be qualified as a part-time sweeper, the candidate shall be SSLC failed or pass in the IXth standard. At the time of joining, the management appears to have taken a declaration by this workman that he has not passed SSLC or any other equivalent examination as on 30-1-1992. He has further declared that in the event of bank finding it otherwise later, his services are liable to be terminated without any notice whatsoever.

4. After few months the bank appears to have been gathered information to the effect that this workman has passed his SSLC before he was given the declaration. The bank has issued a charge sheet dated 9-3-93 on the ground that he is guilty of making a false statement knowingly, which is an act of gross misconduct under clause 19.5(m) and also doing an act prejudicial to the interest of the bank which is an act of gross misconduct under clause 19.5(j) of B.P.S. 1966. They have also stated in the said charge sheet nomination of an enquiry officer and gave further direction that "he may give his written statement, if any, to the above enquiry officer at least three days before the date of commencement of the said enquiry".

5. The enquiry was started on 9-3-93 and concluded on the same day. Ex. M-5 contains the proceedings of the enquiry and the findings in the enquiry officer made on the same day.

6. This workman pleaded guilty for the misconduct alleged against him. The enquiry officer accepting this plea as unconditional and voluntary admission concluded the enquiry without examining any witnesses. The enquiry officer on the basis of the unconditional admission came to the conclusion that misconduct under clause 19.5(m) and (j) are proved.

7. The Disciplinary Authority pursuant to the report of the enquiry officer gave an opportunity on proposed punishment. A personal hearing also given. On satisfying the corrections of the report he has imposed the punishment of dismissal from the service without any notice for both charges. No material is available whether this workman filed any appeal against the order of disciplinary authority.

8. This workman after pleading guilt before the enquiry officer appears to have given a letter to forward the same to disciplinary authority. His defence all along is that he was a failed candidate during 1986 and some time later to

prospect himself to any offer for job has taken the examination again and again and passed the SSLC, in spite of his family condition was very poor which consisted of many members. He was attempted to say when this offer of appointment came, his inner most conscious guided him not to tell the truth as that would result in non-securing a job and thereby he will be remained as unemployed and the family members will suffer.

9. We have carefully gone through the peculiarities glaring in this dispute. This working has registered his name in the employment exchange when he was a failed SSLC candidate. We have no material to show when he has passed SSLC, except in his representation Ex. M-4 that he has cleared all subjects during 1991. Possibly this workman was not knowing that he would be selected to a post ment for SSLC failed candidates. If he was knowing he would have not have attempted to complete all those subjects and to get a certificate of pass to suffer further. SSLC marks card 1986 was taken for consideration to declare his qualification as a qualified candidate to this part-time sweepers post.

10. It is an irony a person of this social status found to have been committed a grave offence for this declaration to disqualify him from his job and livelihood.

11. We have not been benefited to appreciate all this object of he matter except he facts of the case narrated in the counter statement at page No. 2. It only says as it relates to qualification IXth passed and a declaration to the effect for not having passed SSLC or equivalent examination. In terms of above recorded data he was interviewed and was selected. His name was sponsored by District Employment Exchange, Gulbarga vide letter dated 12/13-8-91. He joined the duty on 1-4-92. It is true that on interpretation of his declaration said to have been obtained by the management dated 30-1-92 gives a right for the management to terminate him from services without any notice.

12. The management while issuing a charge sheet have not called for any explanation for them to consider to institute a domestic enquiry but they have directed him to file any reply if he likes before the enquiry officer three days before the enquiry. Therefore the management have predetermined to remove this workman from service. This fact is corroborated as the management have not filed any documents on which they have relied to come to a conclusion that the workman has committed a misconduct. They have also not given the name of any witness on the basis of whom they propose to prove the charge. They have shifted the entire burden on the workman when they say in the penultimate para of charge sheet "You will be permitted to produce your evidence to examine the witness in your defence and to cross examine the witness brought by the bank against you at the enquiry". It may be said that the materials which are subject matter of the enquiry does not require any independent proof or any independent witness to give evidence. But normally the procedure will be that the management who alleges certain misconducts against the workman, the burden is on them. Without discharging their burden they try to take advantage of the situation to punish a workman on the weakness of his case. Such procedure is legally unsustainable.

13. In act this position of law was high lighted in the case of Shri Gopalaiah V/s. the Chairman and M.D. SBM and Anr., reported in ILR 1998 KAR 3663. Their Lordships, presided by the Hon'ble Chief Justice, were examining precisely a similar facts and circumstances of a case, which is not in any way different from facts and circumstances of present case. Their lordships have taken into consideration all attendant and extraneous circumstances for that workman to say that he has not passed his Xth standard, and ultimately allowed the writ appeal by setting aside the order of the labour court and the order in the writ petition by a learned single judge. Their Lordships have extensively discussed the term fraud, and of the view than in said circumstances it does not amount to fraud.

14. There was no impediment for the management to take into consideration the voluntary plea of this workman and then give a punishment which satisfies the letter of law and conscious of a person. The extreme penalty of dismissal was not warranted. It is not a misrepresentation made deliberately and it is only an exceptional circumstance. When

his name was sponsored by the employment exchange he was a failed candidate but some subjects were completed some short period prior to his appointment. Therefore the benevolent provision of Section 11A is applicable to the facts and circumstances of this case. I cannot find any other case where this principle can be applied with all force and seriousness.

15. In view of the facts discussed above I make the following Order :

ORDER

The order of dismissal made by the second party on the alleged proved misconduct is hereby set aside. The second party is directed to reinstate the workman to the position he was holding at the time of his dismissal. He is entitled to continuity of service and other benefits consequent to his continuation. He is also eligible to compete for any promotional vacancies in view of his pass in the SSLC. He is not entitled for any back wages. If the second party fail to implement this order within one month from the date of this Award the workman will be entitled to claim the back wages from the date of this reference till its disposal as 50 per cent.

(Dictated to the Stenographer, transcribed her, corrected and signed by me 19-5-1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.आ. 1837 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रॉडियन बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 को प्राप्त हुआ था।

[सं. एल.-12012/402/96-आई.आर. (बी.-II)]
सी. गंगाधरन, बैंक अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1837.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 01-06-1999.

[No. L-12012/402/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU CHENNAI

Thursday, the 31st day of December, 1998
Present :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 94 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I. D. Act, 1947 between the Workmen and the Management of Indian Bank, Madras).

BETWEEN

The workman represented by
The General Secretary,
Indian Bank Employees Union,
No. 25, II Line Beach,
Madras-600 001.

AND

The General Manager,
Indian Bank, Central Office,
Rajaji Salai,
Madras-600 001.

REFERENCE :

Order No. L-12012/402/96/IR (B-II), Ministry of Labour, dated 22/26-9-97, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Tvl. Row & Reddy and S. Vaidyanathan, Advocates appearing for the petitioner and upon perusing the reference and the petitioner having filed a memo, this Tribunal passed the following :—

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the General Manager, Indian Bank, Madras in transferring Sh. N. Ravishankar, Clerk/Shroff, Central Office/Reconciliation department to Poonamallee branch depriving Special allowance of machine operator is legal and justified. If not to what relief the said workman is entitled."

Memo filed by the petitioner. As per the memo, the Industrial dispute is dismissed as withdrawn.

Dated, this the 31st day of December 1998.

S. ASHOK KUMAR, Industrial Tribunal

COPY OF MEMO FILED ON BEHALF OF THE PETITIONER

Indian Bank Employees Union — Petitioner
Vs.

Indian Bank — Respondent

MEMO FILED ON BEHALF OF THE PETITIONER

The aforesaid I. D. relates to transfer of Ravishankar to Poonamallee Branch. The concerned employee joined the branch at Poonamallee. He ceased to be a member of the petitioner union now. We have instructed him to take care of his case as the petitioner union is no longer interested in contesting the matter. Hence it is prayed that the I. D. may be dismissed as withdrawn. Dated at Madras this the 31st day of December 1998.

Sd/-

Counsel for Petitioner

Sd/-

Dy. General Secretary,
Indian Bank Employees Union.

नई दिल्ली, 02 जून, 1999

का.आ. 1838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रवर्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 प्राप्त हुआ था।

[सं. एल.-12012/361/97-आई.आर. (बी.-II)]

सो. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1838.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-II, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 01-06-99.

[No. L-12012/361/97-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II

MUMBAI

PRESENT :

Shri S. B. Fanse, Presiding Officer.

REFERENCE NO. CGIT-2/34 of 1998

Employers in relation to the management of
Syndicate Bank

AND

Their workmen

APPEARANCES :

For the management : Mr. D. B. Shetty, Representative.

For the workmen : Mr. S. S. Thakur, Representative.

Mumbai, dated 29th April, 1999

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-12012/361/97/IR(B-II), dated 3-4-1-1998, had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Syndicate Bank, Mumbai in terminating the services of Shri M. B. Lohar, w.e.f. 30-4-93 is legal and justified? If not, to what relief the said workman is entitled?”

2. M.B. Lohar, (the workman) was working with the Syndicate Bank as a casual between 15-11-79 to 31-12-80 periodically. He was working as an attendant. By letter No. PD:PAD:RC: 161/APT dtd. 7-2-81 he was called to join as attendant. He joined the bank in that capacity. He signed the form OG-85 dtd. 23-2-81. He declared himself passed in 9th standard while getting the employment. Thereafter the management declared Amnesty in respect of the concealment of educational qualification at the time of employment. Taking advantage of that scheme the workman informed the management that he passed SSC examination in the year 1975 and send the photo copy of the marksheet and SSC passing certificate alongwith the letter. He also informed that originals will be produced if required. Later on the workman was to appear for the promotional post. Therefore he informed his caste as general category. When all these facts were noticed by the management they issued two separate chargesheets to the workman for major misconduct.

3. A common domestic inquiry was conducted against the workman in respect of those two chargesheets. The witnesses were called and the documents were produced. The inquiry officer by his common report informed that the charges in respect of the chargesheet dtd. 23-6-88 are proved and so far as the chargesheet dtd. 30-3-88 is concerned for some part of the charge he came to the conclusion that its proved. The disciplinary authority relying upon the findings of the inquiry officer awarded the punishment of dismissal.

4. The workman pleaded that the domestic inquiry which was held against him was not proper. It was conducted after lapse of 7 to 8 years of the alleged misconduct. It is averred that the chargesheet which was issued under clause-19.5(f)(m) was added. In the year 1984 it is therefore the Act which was committed in the year 1981 cannot be said to be a major misconduct as alleged. It is averred that the findings of the inquiry officer are not based on the evidence before him and they are perverse. It is therefore prayed that the order of dismissal may be set aside and he may be reinstated in service in continuity alongwith full back wages.

5. The workman on the other hand pleaded that the inquiry which was held against the workman was as per the Principles of Natural Justice and the findings of the inquiry officer are not perverse. It is averred that under such circumstances the workman is not entitled to any reliefs as claimed.

6. The issues are framed at Exhibit-15. Issues Nos. 1 & 2 are treated as preliminary issues. My findings thereon are as follows :—

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	No.
2. Whether the findings of the inquiry officer are perverse?	No.

REASONS

7. The inquiry officers report dtd. 15-6-89 is at pages 16 to 39 of Exhibit-19. This report deals with the chargesheet No. 335/ZOP/IRC/CGT-6/88 dtd. 30-3-88 and No. 544/ZOP/IRC/CGT-8/88 dtd. 23/27-6-88 served on Lohar attender of Shivaji Peth, Thane Branch. The Disciplinary authority had proposed the punishment of dismissal from the service of the bank with immediate effect by his order dtd. 23-11-92 in respect of the chargesheet No. 544 dtd. 23/27-6-1988. Then later on the order was issued. It is therefore necessary for this Tribunal to see this chargesheet.

8. The workman was issued a chargesheet No. 544/88 dt. 23/27-6-88 (Exhibit-23). It states that :

That you secured employment in the Bank by furnishing false particulars about your caste. While seeking employment in the Bank, you falsely declared that you were a member of the scheduled caste and was appointed in the Bank against the vacancy reserved for candidates belonging to scheduled caste category. When you are required to submit a certificate to that effect you could not produce such a certificate issued by the competent authority. Further it is observed that you have declared yourself as belonging to scheduled caste, and to substantiate this the religion in the xerox copy of the school leaving certificate submitted by you while joining the Bank is altered to "Hindu Mahar" from Hindu Maratha. However xerox copy of the school leaving certificate submitted by you while claiming amnesty shows your religion as "Hindu Maratha" only. Further it is also observed that in the certificate issued by Gram Panchayat Terani a sentence seems to be added/alterd subsequently to show that you belong to "scheduled caste".

It is also observed against you that knowing fully well the fact that you do not belong to scheduled caste, declared yourself as belonging to scheduled caste and fraudulently altered "Hindu Maratha" into "Hindu Mahar" in the xerox copy of the school leaving certificate issued by Terani High School, Terani, Distt. Kolhapur and submitted the same to the Bank for the purpose of getting a job of attender. Your above said acts of making false statement in CG-85 while joining the Bank, and fraudulently altering the material part of the copies of the School Leaving Certificate and the certificate issued by Gram Panchayat Terani, pertaining to on in connection with your employment in the Bank are high objectionable making you liable for disciplinary action.

Your above acts of knowingly making a false statement in document pertaining to and in connection with your employment in the Bank are also acts prejudicial to the interest of the Bank.

We therefore charge you with the gross misconduct of Knowingly making a false statement in document pertaining to and in connection with your employment in the bank" vide clause no. 19.5m of Bipartite Settlement 1966 read with settlement dated 17th September 1984."

9. Mahadeo Lohar (Exhibit-26) in his cross-examination categorically stated that he was represented by defence representative in the inquiry. He received the documents. He cross-examined the management witness and examined defence witness. His oral arguments were heard. He received copies of the proceedings and the inquiry report. The question was put by the tribunal that what prejudice was caused to him in a domestic inquiry. He answered that the report given by the inquiry officer is not on the basis of the evidence before him. In other words he wants to say that the findings are perverse. So far as procedural aspect is concerned he had no grievance.

10. That takes me to his pleadings in the claim that the inquiry was started after lapse of eight years. It is pertinent to note that he filled a form OG-85 on 23-2-81 and thereafter the fact of giving false information came to the knowledge of the management only when he gave an application for getting amnesty in the year 1986. Then the management started an inquiry into the matter. I therefore find that there is no delay at all.

11. It is tried to argue that clause-19.5(m) came into force on 17th September '84 and it could not have retrospective effect. I am not inclined to accept it. It is because Bipartite settlement 1966 described major misconducts and clause (m) which is added in September '94 is specifying additional act as major misconduct. Obviously it has a retrospective effect. I therefore find that the inquiry which was held against the workman was as per the Principles of Natural Justice.

12. It is well settled that it is not sufficient for the Tribunal to set aside the findings of the inquiry officer if it comes to the conclusion that other view is also probable. But it has to come to the conclusion that the findings are perverse. After hearing the arguments and looking to the documents on the record I do not find any perversity in the findings of the inquiry officer. They are well reasoned and logical. The inquiry officer had dealt with all aspect argued and submitted by the workman before him.

13. It is tried to argue on behalf of the workman that the employment was not secured on the ground that he belongs to scheduled castes. But, it was secured on the basis that he worked for more than 120 days in the bank. After going through the chargesheet it can be seen that the charge is not only for getting the employment on the basis of the false declaration. But there are some other allegations also. In Form OG-85 there is information which is filed by the workman that he belongs to the scheduled castes and that he failed in 10th standard. This information is found to be false.

14. The management issued the workman two letters (Exhibit-9/2 & 2A) dtd. 25-3-81 and 19-6-81 by which the workman was called upon to produce the caste certificate. The case which is tried to be made out by the workman that he did not receive these letters. There is no reason for the management to procure these false letters. It is tried to argue on behalf of the workman that the workman submitted certificates on oral directions the concerned parties had verified the same. It is tried to submit that if at that time it would have been noticed that it is a false declaration then action should have been taken immediately. But that does not appear to be so because while issuing that letter the management must have seen the certificate which at Exhibit-9/5 wherein it is mentioned that he belongs to scheduled caste category. It can be further seen that in school leaving certificate (Ex-9/3) there is a mention at Clause No. 2 'Hindu Mahar' scheduled caste and when again he produced the duplicate certificate for getting amnesty it was mentioned to be 'Hindu Maratha'. He also gave a certificate (Exhibit-20) wherein he was shown to be Lohar and from OBC caste. He admits to have given the applications (Ex-21 & 22) wherein he has shown himself in the category (others). These documents clearly go to show that the information which was given at OG-85 at the time of the employment was not correct.

15. The case of the workman that he never declared himself to be a scheduled caste but his case that he belongs to OBC. That appears to be incorrect because in OG-85 there is clear mention that he belongs to Scheduled caste. It is tried to submit by him that he had not filled up that form and the officers had filled up. I do not find any merit in it. No doubt so as the handwriting in respect of the working days are concerned in that application is in different handwriting but other handwriting is of one person and that must be of the workman. He had signed in English. It is not that at one place there is a mention that he belongs to Scheduled caste but in words he had mentioned Hindu/scheduled caste and he had also made a tick mark in respect of the category Scheduled caste. There is no mistake. There is no mention that he belongs to OBC. The documents which he later on produced clearly go to show that the information which he gave was incorrect.

16. Much argument was advanced contending that alongwith that form the certificates which was given by Nanjewar is not produced and Lonjan is only produced. But infact those services are nothing to do with the declaration of the caste. Their names are referred to as persons giving character certificate.

17. There is allegation that the documents were in the custody of the management and this tampering have been done at a later stage. I am not inclined to accept. There is no reason for the management to do so. There is nothing on the record to show that there was enmity between the workman and the management.

18. The inquiry officer had considered the oral evidence of Banagare, that of Lohar and the documents produced before him. His report is elaborate.

accept the reasons given by him and come to the conclusion that the findings are not perverse. In the result I pass the following order :

ORDER

The domestic inquiry which was held against the workman was as per the Principles of Natural Justice.

The findings of the inquiry officer are not perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.मा. 1839 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 को प्राप्त हुआ था।

[सं. एल.-12012/246/95-आई.आर. (बी.-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1839.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 01-06-99.

[No. L-12012/246/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

Reference No. 11 of 1997

Reference No. 11(c) of 1998

Management of UCO Bank, Patna and their workman represented by State Secretary, UCO Bank Employees Association, Exhibition Road, Patna.

For the workman : Sri B. Prasad, State Secretary, Chief Officer (Law) UCO Bank, Zonal Office, Patna.

For the workman : Sri B. Prasad, State Secretary, UCO Bank Employees Association, Patna.

Present :

Sri T. L. Verma, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Dated the 24th May, 1999

By adjudication order No. L-12012/246/95-IR (B-II) dated 30-12-1996 the Central Government (Government of India) Ministry of Labour, New Delhi referred u/s 10(1)(d) of the Industrial Disputes Act (hereinafter to be referred as 'the Act') the following dispute between the Management of UCO Bank, Patna and its workman for adjudication to the Central Government Industrial Tribunal No. 1, Dhanbad.

"Whether the action of the Management of UCO Bank in denying regularisation of service of Sh. Ashok Kumar Singh is legal and justified? If not, to what relief the said workman is entitled?"

2. After receipt of the adjudication order the reference was registered as Reference No. 11 of 1997 in the aforesaid Central Government Industrial Tribunal and parties were directed to appear in the said Tribunal. Both parties appeared but during the pendency of this reference case in the aforesaid Central Government Industrial Tribunal, the Reference was transferred to this Tribunal. The Reference received in this Tribunal on 20-7-1998 was registered as Ref. No. 11(c) of 1998 and parties were directed to appear on 5-8-1998 for hearing.

3. The case of the workman in short is that he was appointed on 23-1-1984 as a temporary peon on daily wage basis by the Manager of Sahibganj Branch of UCO Bank. He was discharging the following duties :—

- (i) Taking out ledgers, Registers from the Almirah and placing the same on tables, counters.
- (ii) Carrying Token Book, scrol register from accounts Deptt. to Cash deptt. and vice versa.
- (iii) Distributing Bank's Dak to Customers through Peon book.
- (iv) Pasting of postal stamps on envelopes.
- (v) Posting of Mails to post office;
- (vi) Stitching of vouchers.
- (vii) Accompanying Cash in course of Cash remittance to State Bank of India whenever required.
- (viii) Stitching of currency Notes whenever required.
- (ix) Serving water to the members of staff and customers.
- (x) Bringing tea, bettel from the nearby shop for the members of staff and other Sundry jobs of a Peon.

In his capacity as temporary peon on daily wage basis. He has been working since then regularly and discharging those functions to the satisfaction of all concerned. Initially he was getting Rs. 8/- per day which

was subsequently raised from time to time and finally it had been fixed at Rs. 65/- per day.

4. The further case of the workman is that he had been working against permanent post. The Management of the Bank and the union at the apex level arrived at an agreement on 12-10-1989 for empanelment of casual workers for their permanent absorption in subordinate cadre. The workman fulfilled the criteria laid down in the said agreement for permanent absorption and accordingly he applied for his empanelment. The Management however did not pay any heed to the request made by him. He therefore represented his matter to the Union for espousing his cause before the appropriate authority. The union thereafter raised an industrial dispute before the Assistant Labour Commissioner (c), Patna for regularisation of the services of the workman. Pursuant to that, conciliation proceeding was initiated which failed. The matter was then reported to the Government of India, Ministry of Labour for appropriate action in the matter. The Government of India, Ministry of Labour after examining the question has made the aforesaid reference. It is contended that the Management of the Bank has for no justifiable reason failed to regularise the service of the workman though he fulfils the criteria laid down in the Scheme framed on the basis of the agreement between the Management and unions, this it is alleged amounts to unfair labour practice.

5. The Management has resisted the claim of the workman. In the written statement filed on behalf of the Management inter alia, it has been alleged that the workman Sri Ashok Kumar Singh was appointed by a person not authorised to make appointment. Hence the workman has acquired no right to be considered for regularisation. It has further been contended that since the engagement of Sri Ashok Kumar Singh was for doing contingent nature of work he is not a workman within the meaning of section 2(s) of the I. D. Act. The further case of the Management is that Sri Ashok Kumar Singh was not appointed as temporary peon. He was, it is alleged, appointed for supply of drinking water or storing drinking water in a specified place which were the job of contingent nature. The appointment has therefore conferred no right on the workman. This reference, it is stated, is not maintainable.

6. In view of the pleadings of the parties first question that arises for consideration is whether Sri Ashok Kumar Singh is a workman within the meaning of section 2(s) of the I.D. Act. Workman has been defined under section 2(s) of the Act which is as follows :—

"Workman" means any person (including an apprentice) employed in any industry to do any manual unskilled skilled technical, operational, clerical or supervisory work for hire or forward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or

whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison; or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

From the words used in the definition it is clear that a person who is actually employed in an industry for hire or reward is a workman.

7. In view of the definition of workman as quoted above, the first question that has to be considered is whether Sri Ashok Kumar Singh is a workman within the meaning of section 2(s) of the Act.

8. Neither the Management nor the workman has examined any witness. In this reference the Management however has filed photo copy of the letter dated 23-6-1997 marked Ext. M, photo copy of the letter dated 16-12-1997 marked Ext. M/1 and photo copy of the circular dated 29-12-1998 marked Ext. M/2. The workman has also filed photo copies of the payment vouchers marked Ext. W to W/11, photo copy of the letter dated 11-3-1995 marked Ext. M/13 and photo copy of the circular dated 19-10-1989 marked Ext. W-14.

9. Of these Exts. W series are the photo copies of the Payment vouchers. These documents support the case of the workman that he was getting Rs. 8/- per day as wages initially and thereafter it was raised to Rs. 15 per day. The photo copy of the letter dated 27-7-1994 Ext. W-12 sent to the Zonal Manager, Zonal office, Patna by the Manager of UCO Bank, Patna also corroborates the claim of the workman that he was engaged in UCO Bank, Sahibganj on 23-1-84 and that he was working as casual worker in the said Bank. Para 3 of the letter gives details of the days during which he was engaged from 1984 to some time in 1993 also the rates of wages initially given and subsequently raised from time to time till the date of the letter. Para 6 of the letter also supports the claim of the workman that he was deployed to work as peon. The above evidence therefore leave no room for doubt that the workman Sri Ashok Kumar Singh was working in the Bank for remuneration which was raised from time to time. The job which was assigned to the workman as has been made out with evidence was in connection with the function of the Bank. It is not in the dispute that Bank is an industry. The obvious conclusion that, therefore follows is that the workman was working in an industry for hire or reward.

10. In view of the foregoing conclusion the second question that falls for consideration is whether the workman is entitled for regularisation of service. The Industrial Disputes Act does not contain any provisions providing for regularisation of a casual worker. The Honble Supreme Court however in a number of decisions has held that casual workers should not be employed temporarily for a long period and issued directions to several departments to frame scheme for regularisation of such workman who had worked for a minimum specified period or more. From the averments made in the statement of claim submitted by the workman and not disputed by the Management it appears that the management entered into an agreement on 12-10-1989 with the unions at apex level for empanelment of casual worker for their permanent absorption. The workman has filed photo copy of the circular No. CHO/FAS/16/89 dated 19-10-1989 (Ext. W-14) issued pursuant to the agreement dated 12-10-1989. According to the scheme circulated under Ext. W-14 a casual worker who has been engaged for full day's work and who has been discharging any of the normal duties in the Bank in the subordinate cadre as casual worker for a period of 240 days or more with or without interruption during the period of 3 years immediately preceding this settlement will be absorbed as permanent employee in the subordinate cadre. The letter dated 27-7-1994 (Ext. W-12) contains the yearwise break up of number of days of the service of the workman Sri Ashok Kumar Singh. From the statement it would appear that Sri Ashok Kumar Singh had worked for 303 days in the year 1986, 249 days in 1987 and 214 days in 1988 and 230 days in 1989. The requirement for permanent absorption in the subordinate cadre according to the Scheme is that the casual workers should have worked for 240 days or more during the three years immediately preceding the settlement. The settlement was arrived at on 19-10-1989. In other words the workman is required to show that he had worked for 240 days from October, 1986 to October, 1989. The statement of total number of days of the service rendered by Sri Ashok Kumar Singh during the aforesaid period shown in the letter of the Branch Manager (Ext. W-12) would show that the workman had put in more than the required number of days during the period. He was, therefore, entitled to be considered for permanent absorption in the subordinate cadre of the Bank. The workman has admittedly not been considered for permanent absorption in the subordinate cadre of the Bank.

11. Sri C. M. Manikiala, Dy. Chief Officer (Law) representative of the Management at the time of argument stated that the workman Sri Ashok Kumar Singh had already been empanelled but on account of ban on the recruitment put by the Reserve Bank of India he could not be appointed on regular basis. The fact that Sri Ashok Kumar Singh had already been empanelled for permanent absorption postulates that he fulfilled all the criteria laid down for absorption in the subordinate cadre as laid down in the scheme circulated in the year 1989. The question therefore is whether he should be deprived of permanent absorption on account of the ban on recruitment. The Management has placed on record letter dated 16-12-97 Ext. M1 in proof of ban on recruitment.

Ext. M-1 is the letter from Chief General Manager, Reserve Bank of India to the Chairman UCO Bank, Head Office, Calcutta. In this letter the Chairman has been advised that there should be no recruitment of staff (including replacement for retirements/resignation etc.) except recruitment of specialised probationary Officers with the prior approval of HBI Govt. of India. The workman had become eligible for consideration for appointment in 1989 itself. From the letter dated 27-7-1994 Ext. W-12 it is clear that there was a permanent vacancy on the post of sub-staff at Sahibganj Branch of the UCO Bank available on the date Sri Ashok Kumar Singh was working as casual worker. The workman Sri Ashok Kumar Singh had become eligible for permanent absorption as peon such before the letter Ext. M-1 was issued. This letter in my opinion should not have been used as a weapon to deny the permanent absorption to the workman.

12. In the facts and circumstances, I find and held that the workman Shri Ashok Kumar Singh is entitled to permanent absorption in the Subordinate cadre. The Award will be operative from the date of the reference i.e. 30-12-1996.

13. This is my award.

T. L. VERMA, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.प्र. 1840 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतंत्र के संबद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-06-99 को प्राप्त हुआ था।

[सं. एन.-12012/205/93-आई.आर. (बी-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1840.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 7-6-1999.

[No. L-12012/205 93-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU

CHENNAI

Tuesday, the 12th day of January, 1999

Present :—

THIRU S. ASHOK KUMAR, M.Sc., B.L.,
INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 159 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Indian Bank, Madras)
The workmen represented by

The General Secretary,
Indian Bank Employees Association,
No. 1, Angappa Naickan Street,
1 Floor, Madras-1.

—Vs—

The Zonal Manager,
Indian Bank, Spencer Towers,
V Floor, 170-A, Anna Salai,
Madras-600002.

REFERENCE :

Order No. L-12012/205/93-IR(B.II), Ministry of Labour,
Govt. of India, New Delhi, dt. 29-6-94.

This dispute coming on for final hearing, on Tuesday, the 1st day of December, 1998 upon perusing the reference, claim, country statements and all other material papers on record, upon hearing the arguments of Tvl. K. Chandru and D. Bharathy, Advocates appearing for the petitioner union and of Tvl. Aiyar & Dola, Advocates appearing for the respondent-management, this dispute having stood over till this day for consideration, this Tribunal make the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Indian Bank Madras denying key holding allowance to Shri M. Velusamy Clerk-cum-Shroff with effect from 28-11-90 is justified? If not what relief, is the said workman entitled to?"

2. The main averments found in the claim statement filed by the petitioner are as follows :

Sri M. Velusamy working as a Clerk-cum-Shroff is a member of the petitioner-union. The workman joined the services of the respondent bank on 9-5-78 and was working at its Velacherry branch from 5-5-86. The extension counter operating inside Gurunanak college is attached to the Velacherry branch and the same was opened on 21-11-90. Sri M. Velusamy, was the eligible senior staff on that date to get the key holding post in the extension counter. Overlooking the claim of Sri M. Velusamy, the respondent assigned the key holding post in the extension counter to one Balraj Johnson. The said Balraj Johnson was originally a clerk/typist, made a request for changing his designation as Shroff and the same was done by the Zonal Officer on 26-8-88. It was clearly stated in the order issued by the respondent that his redesignation will be effective from the date of order only. For the purpose of deciding seniority, the designation seniority alone must be taken into account as per the policy of the respondent bank. In accordance with the said policy and practice Sri M. Velusamy should have been assigned the post of key holding shroff. However, he was overlooked while assigning the key holding Shroff Post on 20-11-90, the date on which the Gurunanak college extension counter was opened, and the action of the bank is arbitrary and violative of Articles 14 and 16 of the Constitution. The said Velusamy made a representation dt. 24-7-91 to the respondent and demanded the assignment of key holding post. His representation was forwarded by the Branch Manager, Velacherry to the respondent with a covering letter dt. 21-8-91. Once again reminder letter was sent by workman on 1-12-91 which was also forwarded to the respondent. When the respondent was in no mood to consider his claim, the petitioner-union took up the cause of the said workman and raised an industrial dispute before the Assistant Labour Commissioner (Central) Madras vide their representation dated 16-2-93. The respondent appeared before the conciliation officer and submitted a reply dt. 3-5-93. The only

ground raised by the respondent was that the workman did not object to the assignment of allowance post to Balraj Johnson. This was traversed by truth and contrary to facts. The petitioner union sent a rejoinder dated 29-6-93 to the Conciliation Officer. The Conciliation officer as he could not bring any mediation, sent his failure report dated 21-7-93. The petitioner prays to pass an award holding that the action of the respondent management denying key holding post to Thiru Velusamy w.e.f. 28-11-90 is wholly unjust and consequently direct the respondent to allot key holding allowance post to M. Velusamy with effect from 28-11-90 together with all monetary benefits with interest at 18 per cent per annum with costs.

3. The main averments found in the counter statement filed by the respondent are as follows :

Though payment of special allowance to Clerk/Shroff holding key is a term of service conditions; the mode and method of assigning the key holding Clerk/Shroff's position is not a service condition under the Bipartite Settlement. M. Velusamy joined the service of the bank on 19-5-78. He has been working as a clerk in the Velachery branch of the respondent bank since 5-5-86. The extension counter of the said branch in the premises of Gurunanak College, Madras was opened on 28-11-90. Therefore, the said extension counter is attached to the Velachery branch for all administrative purposes. The assignment of Key holding Shroff's post is based on understanding reached between the recognised representative federation and the management of the bank. It is based on branch seniority. In other words senior most clerk in the branch will be assigned key holding Shroff's post and consequently he will be eligible for payment of special allowance in addition to the eligible pay and allowances. In case the senior most clerk does not come forward to work as key holding shroff, the next person in the order of branch seniority would be assigned such post. Sri Velusamy has been working as clerk at Velachery branch w.e.f. 5-5-86. In the branch seniority of clerks, he was immediate junior to the key holding shroff working in the Velachery branch. At the time of opening the extension counter at Gurunanak college he being the next senior most clerk was eligible for getting the assignment of the post of key holding shroff. But Sri Velusamy expressed his unwillingness to accept the same. It was only thereafter the post was assigned to Mr. Johnson who is the immediate junior to Mr. Velusamy. Mr. Velusamy did not object to the posting of Mr. Balraj Johnson as key holding shroff in the Velachery branch. It was only more than 8 months thereafter on 24-7-91 Sri Velusamy falsely alleged that he came to know that he was the senior most clerk of the Velachery branch and demanded payment of special allowance. Admittedly Sri Velusamy did not hold the special allowance post. If the Bank were to consider the request of Velusamy the post assigned to Mr. Balraj Johnson should be first withdrawn and then only it can be assigned to Velusamy as there is only one post for key holding shroff in the extension counter. Under the provisions of the Bipartite Settlement withdrawal of special allowance duties cannot be resorted to except by following the provisions given in the Bipartite Settlement and it can be done only by way of imposition of punishment for gross-misconduct after following the procedure prescribed therefor. Mr. Balraj Johnson cannot be deprived of holding special allowance post and also of special allowance as he has not committed any misconduct. It is not correct to allege that Velusamy was overlooked while the key holding shroff post was assigned to Mr. Balraj Johnson on 20-11-1990. As a matter of fact he did not accept the assignment and therefore it was assigned to his next junior in the Velachery branch Mr. Balraj Johnson. Sri Velusamy who had been working in the Bank from 19-5-78 should be aware

of the circular issued from time to time on the subject of the special allowance. It is denied that he came to know about the branch seniority for key holding post only on 24-7-1991. Having expressed his unwillingness to accept the key holding post on 20-11-90 it is not open to him to go back upon to say that he should have been assigned the said post. In law he is estopped from putting forth such a plea. The dispute is not maintainable in law as it is vitiated for non-joinder of proper and necessary party. The person affected by the dispute Mr. Balraj Johnson has not been made a party under the terms of reference. It is in the teeth of the administrative circular No. 193/87 dt. 5-2-87 issued by the Bank which is to the effect that the claim of the senior staff cannot be considered to the detriment of junior staff by withdrawing the special allowance permanently drawn by the junior staff. It was only because Mr. Velusamy refused to accept the assignment, Mr. Balraj Johnson was assigned the post of key holding shroff. The dispute raised by the petitioner association is vitiated by delay and laches and therefore the terms of reference are liable to be rejected on this ground alone. The petitioner association has come forward with the dispute after more than 2 years with ulterior motives due to inter-union rivalry. Had the dispute raised by it been genuine it would have set the conciliation machinery in motion immediately in November-December 1990. Petitioner association is seeking to make out an industrial dispute when it does not exist. Respondent prays to dismiss the claim statement.

4. On behalf of the petitioner Thiru M. Velusamy, has been examined as WW1 and Ex. W-1 to W-8 have been marked. On behalf of the respondent management no witness was examined and Ex. M.1 to M.6 have been marked.

5. The Point for consideration is : "Whether the action of the management of Indian Bank, Madras denying key holding allowance to Shri M. Velusamy, Clerk-cum-Shroff with effect from 28-11-90 is justified? If not, what relief, is the said workman entitled to?"

6. The Point : Thiru M. Velusamy, workman concerned in this dispute was working as Clerk-cum-Shroff at the Velachery branch from 5-5-86. The extension at Gurunanak college was opened on 21-11-90, and the same is attached to the Velachery branch. According to the petitioner, Th. M. Velusamy was the eligible senior staff on that date to get the key holding post of the extension counter. But overlooking his claim, the respondent assigned key holding post in the extension counter to one Mr. Balraj Johnson. Ex. M.1 is the Seniority list of Velachery branch as on 28-11-90. In the branch seniority, Thiru Balraj Johnson joined the branch on 8-8-85 is in Sl. No. 6 and Thiru M. Velusamy, who joined the branch on 5-5-86 is in Sl. No. 8. Thiru Balraj Johnson was designated w.e.f. 26-8-88 as Shroff as seen from Ex. W-6 order. In Ex. W-6 order, itself it is mentioned that the designation of the said Balraj Johnson is changed as Clerk/Shroff Typist, that the seniority for the purpose of special allowance carrying post will run from the date on which such re-designation is made. According to the respondent, Mr. Velusamy is the immediate junior to the key holding staff working in the Velachery branch and at the time of opening of the extension counter at Gurunanak College, he being the senior most clerk was eligible for getting the assignment of key holding allowance post. As Velusamy expressed his unwillingness, thereafter the post was assigned to Mr. Balraj Johnson who is immediate junior of Mr. Velusamy and Mr. Velusamy did not object to the posting of Mr. Balraj Johnson, as Key Holding Shroff in the Velachery branch. Only 8 months thereafter on 24-7-91 Velusamy alleged that he came to know that he was the senior most clerk of Velachery branch and demanded special allowance. If this request were to be considered by the bank, the post assigned to Mr. Balraj Johnson should be first withdrawn and then only can be assigned to Mr. Velusamy as there is only one post for Key Holding Shroff in the extension counter. As per Bipartite Settlement, withdrawal of special

DOCUMENTS MARKED

allowances, duties cannot be resorted to except by following the provisions given in the Bipartite Settlement and it can be done only by way of imposition of punishment for gross misconduct after following the procedures prescribed therefor. Representation of Thiru Velusamy dated 24-7-91 is Ex. W-1. The letter sent by the Branch Manager to the Regional Office forwarding the above representation on 21-8-91 is Ex. W-2. Further representation of workman Thiru Velusamy on 1-12-91 is Ex. W-3. Application by the petitioner-union raising industrial dispute on 16-12-91 is Ex. W-7, and the remarks made by the respondent to the Assistant Commissioner of Labour on 3-5-93 is Ex. W-4. The rejoinder given by the petitioner union before the Assistant Commissioner of Labour on 29-6-93 is Ex. W-8 and the Conciliation failure report is Ex. W-5. The contention of the respondent management is that when extension counter at Gurunanak College was opened on 21-11-90 when the key holding post was offered to M. Velusamy he expressed his unwillingness to accept the same and thereafter the post was assigned to Mr. Balraj Johnson who is immediate junior to Mr. Velusamy and Mr. Velusamy did not object to the posting of Mr. Balraj Johnson as Key Holding Shroff at Velachery branch's extension counter at Gurunanak College. In Ex. W-1 representation of Mr. Velusamy, he has mentioned that only on 24-7-91 he came to understand that he is senior in shroff post. But this contention of Thiru Velusamy is not true. While he was cross-examined, he has admitted that according to Ex. M-2, Mr. Balraj Johnson has worked as Key Holding Shroff even on 1-11-85 whereas he has worked as Key Holding Shroff only on 16-12-88. He has further admitted that on 9-11-88, 28-3-89, 24-5-89, 29-7-89, April 1990, May 1990 and July 1990 Thiru Balraj Johnson has worked as Key holding shroff and has further stated that whenever he objected during the above periods, the management told him that he is junior in that branch, and therefore should not object. He has further admitted that from 1988 to 1990, he did not send any objections in writing. Above admitted evidence of MW1 Thiru Velusamy would prove that his present contention that he came to know that he is senior to Balraj Johnson only at the time of sending Ex. W-1 letter dated 24-7-91 is false. Therefore, it probalises the contention of the management that when Key holding post was assigned to Thiru Velusamy, he did not accept it and thereafter Thiru Balraj Johnson was assigned Key holding shroff post is true. Further according to Ex. M-3 letter, whenever a senior employee refuses to accept the special allowance carrying post, it should be recorded in writing and special allowance post will be offered to the next senior and when there is no record for having obtained the refusal of the senior most eligible employee, the claim from such employee for such allowance carrying post will not be entertained by withdrawing special allowance permanently drawn by other employee, who may be junior to him/her. This Ex. M-3 circular prohibits the claim of the petitioner union by withdrawing the Key Holding Shroff from Balraj Johnson and offering the same to Velusamy. Not only the concerned workman has made a belated complaint, but the petitioner union itself has raised the dispute belatedly on 16-2-93. There is no record for the fact that the petitioner union even approached the respondent management on this dispute before raising the dispute by Ex. W-7 letter dated 16-2-93 which is more than 2 years later than the assignment of key holding shroff post to Mr. Balraj Johnson. Therefore, there is no merit in the claim of the petitioner. Further from 31-1-91, the key holding post is offered to all shroffs on rotation basis once in 3 months.

In the result, award passed holding that there is no merit in the claim of the petitioner and the same is dismissed. No costs.

Dated, this the 12th day of January, 1999.

S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W W. 1: M. Velusamy.

For Management : None.

For Petitioner-union :

Ex. W-1, 24-7-91 : Representation by the workman : M. Velusamy (copy).

W-2/21-8-91 : Letter by the Branch Manager to the Regional Office forwarding the above representation (xerox copy).

W-3/1-12-91 : Representation by Mr. M. Velusamy (copy).

W-4/3-5-93 : Remarks by the management (xerox copy).

W-5/21-7-93 : Failure report (copy).

W-6/26-8-88 : Order of re designation issued to Mr. J. Balraj (xerox copy).

W-7/16-2-93 : Application by the Union raising Industrial Dispute (copy).

W-8/29-6-93 : Rejoinder by the Union to Ex. W-4 (copy).

For Management :

Ex. M-1/6-10-96 : Seniority list of staff of Velachery branch as on 28-11-90 (xerox copy).

M-2/ : Extract of Key movement register of Velachery branch (xerox copy).

M-3/5-12-87 : Letter by General Manager (xerox copy).

M-4/31-1-91 : Circular issued by the respondent bank (xerox copy).

M-5/7-6-98 : Letter from Branch Manager, Velachery branch to the Chief Manager, Pappanaickanpalayam (xerox copy).

M-6/10-6-98 : Letter from Chief Manager, Pappanaickanpalayam to Zonal Office (xerox copy).

नई दिल्ली, 2 जून, 1999

का.आ. 1841 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबन्धन के संबंध में निषेध और उनके कर्मचारियों के बीच, अनुबन्ध में निषेध औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 प्राप्त हुआ था।

[सं. एल.-12012/233/96-आई.आर. (बी.-II)]

सो. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1841.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 7th June, 1999.

[No. L-12012/233/96-IR(B-II)]

G. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Tuesday, the 5th day of January, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 60 OF 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workman and the Management of Central Bank of India, Madras)

BETWEEN

The workman represented by :

The Regional Secretary,
Central Bank of India Staff Union,
No. 56, Canal Bank Road,
CIT Nagar, Madras-600035.

AND

The Regional Manager,
Central Bank of India,
Regional Office,
Madras-600602.

REFERENCE :

Order No. L-12012/233/96/IR(B-II), Ministry of Labour, dated 22nd/28th July, 1997, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Mr. S. Narayanan, Advocate appearing for the respondent-management, upon perusing the reference, and other connected papers, and the petitioner being absent, this Tribunal passed the following award.

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Central Bank of India, Madras in treating of Shri P. Krishnamurthy Teller, Mount Road, Branch voluntarily retired w.e.f. 3rd May, 1994 is legal and justified? If not, to what relief the said workman is entitled?"

Claim statement not filed. Petitioner called absent. No representation. Dismissed for default.

Dated, this the 5th day of January, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 2 जून, 1999

का.आ. 1842.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबन्धन के संबंध नियोजकों और कर्मचारियों के बीच, अनुवृत्त में निम्नलिखित

औद्योगिक विवाद में औद्योगिक अधिकरण चैसई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 को प्राप्त हुआ था।

[सं. एल-12012/180/95-आई आर (बी-II)]

सी. गंगाधरण, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1842.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 1st June, 1999.

[No. L-12012/180/95-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Wednesday, the 4th day of November, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 110 OF 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of Allahabad Bank, Madras)

BETWEEN

The workman represented by :

The General Secretary,
Allahabad Bank Staff Union,
115, Anna Nagar, Madras-1.

AND

The Regional Manager,
Allahabad Bank, Vairam Complex,
T. Nagar, Madras-17.

REFERENCE :

Order No. L-12012/180/95-IR(B. II), Ministry of Labour, dated 26th November, 1996, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of M/s. G. Venkataraman, C. Ravichandran and B. Haribabu, Advocates appearing for the respondent-management, upon perusing the reference and other connected papers, and the petitioner being absent, this Tribunal passed the following award.

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the management of Allahabad Bank, Madras in not extending the benefit of weightage of service for the period of defence service to Sri P. R. Ummikrishnan while appearing for selection to the post of Spl. Asst. is legal and justified? If not, to what relief the workman is entitled?”

Claim statement not filed, Petitioner called absent. No representation. Dismissed for default.

Dated, this the 4th day of November, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 2 जून, 1999

का.आ. 1843.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक आफ इंडिया के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अतुल्य में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-6-99 प्राप्त हो चुका था।

[सं. एल-12011/24/96-आई आर (बी-II)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1843.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Patna as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 1-6-99.

[No. L-12011/24/96-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER INDUSTRIAL TRIBUNAL, PATNA

Reference No. 136 of 1997

Reference No. 13(c) of 1998

Management of Central Bank of India, Ranchi and their workmen represented by Bihar Provincial Central Bank of India Employees' Association (BEFI) Jamshedpur.

Misc. Case No. 5(c) of 1998

Ram Sudan Thakur and others ... Complainants
Vs.

Sri S. K. Roy, Chief Manager,
Central Bank of India, Bistupur,
Jamshedpur and another ... Opp Parties.

For the Management : Sri A. K. Khare, Manager
Central Bank of India, Lalpur, Ranchi.

For the Workmen:—Sri B. Prasad, General
Secretary Bank Employees Federation, Bihar
Patna.

PRESENT:

Sri T. L. Verma, Presiding Officer, Industrial
Tribunal, Patna.

AWARD

The 24th May, 1999

The Government of India Ministry of Labour by adjudication order No. L-12011/24/96/IR(B-II) dated 7-7-1997 referred the dispute between the Management of Central Bank of India and Sarbsri Ram Sudan Thakur, Subhas Sonkar, Sunil Kumar Saha, Swapan Kumar Chakraborty and Pradeep Kumar Paul to the Central Government Industrial Tribunal No. 1 Dhanbad for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947.

2. This reference was subsequently transferred to Industrial Tribunal, Patna by Government of India Notification No. L-12011/024/96/IR(B-II) dated 11-6-1998. The terms of Reference referred for adjudication are as follows :—

“Whether the action of the Management of Central Bank of India is not regularising the services of S/Sh. Ram Sudan Thakur, Subhas Sonkar, Sunil Kumar Saha, Swapan Kumar Chakraborty and Pradeep Kumar Paul as full time sub-staff is legal and justified? If not to what relief these workmen are entitled?”

3. The Bihar Provincial Central Bank of India Employees Association espoused the cause of five workmen named in the terms of Reference. Of these Sri Pradeep Kumar Paul died during the period intervening raising of the dispute and Reference to the Industrial Tribunal. The Management of the Bank has employed the widow of the said worker in the Bank in full time cadre as Peon. That being so, dispute in respect of Pradeep Kumar Paul does not exist. This Award, therefore, will govern the dispute in respect of the remaining four workmen only.

4. The claim of the workmen, in short, is that they were employed as full time Peon by the Management Before and after 1986 continuously for years together in the main Branch of the Central Bank of India, Jamshedpur. In view of that the Management recommended their cases to the higher authorities for absorption in Bank service. The workmen also submitted applications for their regularisation. When the recommendation made by the officers of the Bank as well as the representations submitted by the workmen did not evoke any response from the Management they raised industrial dispute before the Regional Labour Commissioner (C) Chaibasa. When the conciliation proceedings were to begin, it is alleged the Management in connivance with the majority union entered into an

agreement with the union with malafide intention of making these workmen permanent part time employees on one third wages. It has also been alleged that these workmen put their signatures on the said agreement under allurement. This agreement was entered in July, 1988. Since then these workmen have been drawing one third of the wages of permanent employees. It is said that even after their engagement in part-time cadre, they were paid remaining 2/3rd wages for more than 240 days in a Calendar year either through pay roll or vouchers. These workmen, however, have alleged, that they were not getting annual increment, leave wages, holiday wages, bonus, house rent allowance, medical facilities, superannuation benefits etc. on this two third wages being paid on vouchers since the day of the said agreement.

5. The further case of the workmen is that though these workmen had been working for 240 days in each calendar year since the date of initial appointment their wages were not considered for regularisation whereas new faces were inducted on permanent basis in 1992. The Bank Management has thus ignored their superior claim for regularisation in a very arbitrary manner by adopting unfair and unlawful labour practice.

6. The management has denied the claim of the workmen. In their written statement filed on behalf of the Bank it has been stated that these workmen pursuant to the agreement arrived at between the Central Bank Employees Union and the Management of the Central Bank joined as permanent Part time sub-staff. They, being part time staff, are not eligible for being considered for regularisation. It is stated that Bihar State Central Bank Employees Union had raised an industrial dispute for conversion of these part time sub-staff to full time sub staff before ALC, Chaibasa pursuant to which conciliation proceedings were initiated which failed. After the failure of the conciliation proceedings the dispute was referred to the Central Government Industrial Tribunal, Dhanbad for adjudication. In that Reference the Tribunal awarded a no dispute award on 2-6-1997 as the union was not interested in pursuing the matter. The present dispute therefore, it is stated, is barred by principle of resjudicata.

7. The further case of the Management is that whenever extra work is taken from these workmen they are paid additional amount for the extra work done by them. They are also being accorded other benefits on the wages drawn by them as permanent part time employees. This Reference, therefore, according to the Management is not competent.

8. After the transfer of this reference case to the Industrial Tribunal, Patna the workman filed a Misc. case No. 5 of 1998 u/s. 33A of the Industrial Disputes Act alleging that the respondents are guilty of contravention of provisions of section 33 of the Act as they have stopped payment of Rs. 70 per day w.e.f. 22-12-1997 which they were drawing in addition to one third wages by way of 2/3rd wages. It has also been alleged that they have been transferred to different Branches of the Central Bank of India. This also it is alleged, is infraction of the provision of section 33 of the Act. The Management has filed their

reply to show cause notice issued to them on the above complaint of the workmen u/s. 33 of the Act. The case of the Management is that since these workmen were permanent part-time employees, payment of Rs. 70 per day in addition to one third wages not being condition of their service and with-holding of the same when no additional work is being taken does not amount to violation of provisions of the Act.

8A. In view of the pleading of the parties in Reference case no. 135/9713(c)/98 the first question that falls for consideration is whether these workmen were part-time sub-staff or their services were being utilised as regular staff. The Management has examined Sri Nand Gopal Moitra Sr. Manager in the Central Bank of India, Jamshedpur and filed copy of the agreement dated 5-7-1988 Ext. M. photo copy of the award passed in Reference Case No. 151 of 1994 Ext. M|1. and photo copy of the salary sheet Ext. M|2 in support of their claim. The Workmen have examined these witnesses namely Subhas Sonkar W.W.1, Ram Sudan Thakur W.W.2 and Sunil Kumar Saha W.W.3 and filed documents which have been marked Exts. W to W|11.

9. Sri Nand Gopal Moitra Management Witness No. 1 has in his examination-in-chief in substance supported the case of the Management as stated above. In his cross-examination he has, however, admitted that these workmen were being paid Rs. 70 per day in addition to one third pay of permanent employee which was paid to them till December, 1997. The payment of this amount was being made through vouchers for doing additional work. He has proved Pass Book Exts. W|10, W|10-1, and W|11. These Pass Books are in the name of Subhas Sonkar and Ram Sudan Thakur M.W.1 has stated in his cross-examination that the payment of salary and additional wages to these workmen was being made by depositing the same in their pass books. He has, however, later clarified that the payment of additional amount was being made some time through vouchers also. Be that as it may, the fact remains that these workmen were being paid Rs. 70 per day in addition to one third wages.

10. The workmen witness No. 1 and 2 have in their statement averred that they were working as casual workmen in Bestupur Branch, Jamshedpur from 1980 and 1982 respectively. They have also stated that their duty hours were from 9.30 A.M. to 5.30 P.M. and that they performed the same duties which the permanent peon was discharging. These witnesses were cross-examined by the Management. His aspect of the statement of these witnesses had not been assailed. In other words the claim of these witnesses that their services were being utilised as peon and that their duty hours were from 9.30 A.M. to 5.30 P.M. has not been disputed at all. Therefore, I have no reason not to accept the same. Though in the pay sheet filed on behalf of the Management these workmen have been described as part-time peon, the evidence of the workmen witnesses No. 1 and 2, which has not been controverted, leaves no room for doubt that services of these workmen were being utilised as full time staff. In other words they were performing eight hours' duty which are the duty hours of full time staff.

11. In view of the above the next question that arises for consideration is whether the agreement which bears the signatures of these workmen will debar them from contending that they were full time workers. In this connection it may be mentioned that these workmen, in their statement of claim have averred that they were engaged for full day before and after 1986. This fact appears to be born out by Ext. W and W/3. Ext. W is a letter dated 13/14 November, 1987 recommending absorption of workman Sri Ram Sudan Thakur as peon subject to his eligibility according to the norms prescribed. This bears the name of workman S/Sh. Swapan Kumar Chakraborty and Sunil Kumar Saha as casual part-time employees whose cases are already pending for consideration. The Ext. W/s is the letter dated 3-7-1987 recommending absorption of workman Sri Subhas Sonkar as peon after absorbing due formalities prescribed in that behalf. This letter also includes the name of Sunil Kumar Saha and Swapan Kumar Chakraborty whose cases were pending for conciliation. The Exts. W/9 to W/9-9 are the letters appointing workman Subhash Sonkar to work at Jamshedpur from the period 6-1-1980 to 2-4-1986 for different period of thirty days as casual workman to work as peon. In this connection reference may also be made to Ext. W/7. This is a letter dated 9-7-1986 from Branch Manager, Jamshedpur to Regional Manager, Regional Office, Ranchi. By this letter the Regional Manager, Regional Office, Ranchi. By this letter the Regional Office has been informed that the workman Sunil Kumar Saha has worked as casual worker from 17-4-1978 to June, 1978, then from April, 79 to June, 79 and thereafter for a period of six months from October, 1979 to March, 1980. Again he worked from 18-3-1980 to 3-5-1982. Thereafter he worked from 10-5-1982 to onwards. The Branch Manager has recommended his case for sympathetic consideration. From the material on record it appears that these workmen were employed in the Bank concerned as full time casual workers. It was for this reason that their cases were recommended for regularisation in accordance with the scheme circulated by the Central Office Cir CO/PRS/REC/B1/C-1B dated 15-10-1981. It is on record that the Management did not respond favourably to these recommendation. A labour dispute was, therefore, raised and while the conciliation proceeding was pending, the agreement Ext. M providing for appointment of these workmen as part time peon was executed. I have perused the agreement very carefully and I find that it does not contain any clause providing that these workmen can be utilised for taking additional work for which they may be paid Rs. 70 per day. There is also nothing on the record to show that the additional work taken from these workmen was of casual nature nor to show the method of assessing the wages for rendering services in addition to their usual part time job. The evidence both oral and documentary rather go to show, beyond doubt that these workmen were being actually regularly employed as peon though payment of the wages was being made in the different ways. This arrangement of employment of these workmen and payment of wages is not envisaged in the agreement. This arrangement thus is independent of the agreement which the Management has relied upon for resisting the claim of these work-

12. In addition to the above in the context of regular employment of these workmen the theory of payment of Rs. 70 per day for the additional work does not fit in with the case of the Management that this payment was for casual additional work taken from them. It is difficult to believe that there would be such regular co-incidence as to necessitate the engagement of these workmen for additional work regularly. Full time work, it would thus appear, was available for these workmen and that the agreement was only a contrivance to circumvent the law. Such an agreement, therefore, can not be used to deny to the workmen their legitimate right to raise the issue before the appropriate authority.

13. In view of the discussions made above the inevitable conclusion that follows is that services of these workmen were utilised as full time workers for over a decade.

14. Supreme Court, in catena of decisions, has held that casual workmen should not be employed temporarily for a long time and has issued directions to various departments to frame scheme for regularisation of such casual workmen who have worked for minimum specified period or more. In *Daily Rated Casual Labour V. Union of India* 1988 SCC (L&S) 138 the daily rated employees were working in that capacity for at least ten years and they were performing the same work as regular workers though at much lower pay the Hon'ble Supreme Court held that temporary and casual labourers should not be engaged in that capacity for a long time and that a scheme should be made on a national level for absorbing casual labourers who were working in the said department. Similarly in the case of *Karnataka State Private College Stop Gap Lecturer's Association V. State of Karnataka* 1992 SCC (L&S) 394 daily rated and monthly rated employees were continued for long periods of time and were not given parity of pay with regular employees doing similar work, direction was issued in this case to regularise the service of the temporary employees.

15. It appears that the Management of Central Bank of India has also formulated the scheme for regularisation of its casual employees in consultation with the recognised union. The Management and the recognised majority union have arrived at an agreement to evolve suitable norms for giving one time opportunity to all those who were engaged as temporary/casual employees on and after 1-1-1992. The agreement so arrived at was circulated by circular No. CO 90 : 91 : 622 dated 12-3-91. According to the guidelines issued employees who had put in 240 days in continuous period of 12 months from 1-1-1982 to 31-12-1990 will be considered for absorption without any test and interview. It further provided that qualification and age will not be insisted upon for them and such candidates will be considered first before initiation of recruitment proceedings. We have already seen above that these workmen have worked regularly as casual workers since before 1986. The statement of work of these workmen would show that they have put in 240 days or more service in a calendar year. They also satisfy the criteria prescribed for being considered for absorption. These workmen applied for regularisation of their services on different dates after

the aforesaid scheme was circulated. The Management of the Bank does not appear to have given any consideration to the representations made by these workmen.

16. It is true that regularisation of services of the workmen is to be made against the sanctioned post. The letters Exts. W and W-3 addressed to the Zonal Manager of Central Bank of India, Patna indicate that at the time recommendation for permanent absorption of these workmen a number of vacancies were available resulting either from retirement or transfer to other Branches of the permanent staff. The present position of vacancies has, however, not been brought on record. It has been averred in the statement of claim filed on behalf of the workmen that persons junior to these workmen were given permanent of claim filed on behalf of the workmen that persons junior to these workmen were given permanent appointment by the Bank in 1992 by ignoring genuine claim of these workmen. The material on record, however, does not disclose names of persons who were appointed in 1992 and other details which may lead the Tribunal to the conclusion that these appointees were junior to these workmen. In that view of the matter no definite finding can be recorded that the persons junior to the workmen were appointed in 1992 or thereafter. Be that as it may, the fact remains that the management has acted arbitrarily in not considering the cases of these workmen for regularisation in view of the norms and guide lines contained in Ext. M. The practice adopted by the Management was therefore, unfair and unlawful. These workmen are entitled to be considered for being regularised against vacancies if available. If no vacancy is available they were to be considered for absorption against future vacancy before considering appointment of new faces. In view of the fact that these workmen have worked for such long period, if necessary the requirement of maximum age limit should be relaxed as provided, in the agreement Ext. M and W-4.

17. The learned representative of the Bank argued that a similar dispute was referred to Central Government Industrial Tribunal No. 1 Dhanbad for adjudication and that the same was numbered as Reference No. 151 of 1994. The terms of that reference were as follows :—

“Whether the action of the Management Central Bank of India, Ranchi in not converting the following permanent part time sub-staff into full time sub-staff is justified? If not what relief are these workmen entitled to?
1. Sri R. S. Thakur 2. Shri Subhash Sonker
3. Sri Sunil Kumar Saha 4. Sri Swapan Kumar Chakraborty 5. Sri Uday Pratap Singh.

The Tribunal however, rendered ‘No dispute Award’ It was submitted that the terms of reference of Ref. No. 151/94 and the present reference being the same the ‘No dispute Award’ rendered in Ref. 151/94 will operate as resjudicata and bar reference No. 136 of 1997 as not maintainable under the principle of resjudicata. The principle of resjudicata does not have application to industrial dispute. But before this principle can be extended to the industrial dispute it has to be established that there was conflict of interest

between the Management and the workmen, that it was necessary to decide the conflict in order to give relief which the workmen claimed and that the Tribunal actually heard and decided the dispute between the parties. The question whether the workmen are entitled for relief claimed in Reference No. 151/94 referred to for adjudication indicate that there was conflict of interest between the parties the management and the workmen but it is absolutely clear from the copy of Award Ext. M-1 that the sponsoring union stopped appearing in the dispute. The dispute, thus, was not effectively heard and no decision after hearing the concerned parties was recorded. Therefore, the third ingredient that the Tribunal actually heard and decided the dispute is not satisfied. Therefore, the ‘No dispute Award’ rendered by the Tribunal will not operate resjudicata debarring the workmen from raising the dispute.

Misc. Case No. 5(c) of 1998

18. The dispute of reference No. 136/97 13(c)/98 was initially made to Central Government Industrial Tribunal No. 1, Dhanbad (CGIT in short) for adjudication. While the reference was pending before CGIT, Dhanbad the reference was transferred to Industrial Tribunal, Patna. This Misc. case was filed before Industrial Tribunal, Patna. This Misc. case was filed before Industrial Tribunal Patna alleging that the management of Central Bank of India stopped payment of 2/3rd wages to the part time workmen without obtaining prior permission of the Tribunal and transferred them to different Branches of the Bank in contravention of the provisions of section 33 of the Industrial Disputes Act. Section 33 provides :

“During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute no employer shall—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
- (b) for any misconduct connected with the dispute, discharge or punish whether by dismissal or otherwise, any workman concerned in such dispute save with the express permission in writing of the authority before which the proceeding is pending.”

19. It is manifest from the plain reading of the section quoted above that section 33 bars alteration in the condition of service, prejudicial to the workman concerned in dispute and disciplinary action of punishment of discharge or dismissal when the same is connected with the pending of industrial dispute save with the permission of the authority before which the proceeding is pending. Before a workman can seek protection under clause (a) of sub-section (1) which we are concerned in the present reference the following conditions have to be established :

- (i) There should be a pendency as aforesaid, of any proceeding in respect of an industrial dispute.

- (ii) The workman claiming protection should not only be a workman within the meaning of S.2(s) but he should also be a workman concerned in the pending dispute;
- (iii) the alteration in question should have the effect of making a change in the conditions of service applicable to such workman which were applicable to him immediately before the commencement of such proceeding and such alteration should be prejudicial to his interest, and—
- (iv) such alteration should be in regard to any matter connected with the pending dispute.

So far as condition no. 1 is concerned the material on record is sufficient enough to show that an industrial dispute between the workman and the Management is pending for consideration before this Tribunal. In view of this the next question has to be considered as to whether the workman, claiming protection under provisions, is a workman within the meaning of section 2(s) of the Industrial Disputes Act. Workman has been defined in section 2(s) of the Act as follows :—

“2(s) ‘Workman’ means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

- (i) who is subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity; or
- (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercise either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.”

20. The Bank in which the workmen seeking protection of the section was employed admittedly is an Industry. From the material discussed in detail on the preceding paragraphs of the award it is evident that they are workman as defined under section 2(s) of the Act. They are also workmen concerned in the pending dispute. The second requirement for making the workmen eligible for the benefits of section 33 is also present.

21. In view of the above material question for determining the issue under consideration is whether discontinuance of payment of Rs. 70 per day to the workmen amounts to alteration in the condition of service of these workmen. In this connection reference may be made to the paragraphs 16 and 17 of the Award. It has been clearly held after discussing the circumstances and evidence on record that these workmen were working full time although they were being paid wages of whole time worker in two different parts i.e. 1/3rd of the permanent workman's wage as salary and Rs. 70/- for doing additional work. It has been clearly held that the action of the management in doing so was a camouflage to circumvent the law. In that view of the matter stoppage of payment of Rs. 70/- per day to these workmen during the pendency of the industrial dispute before the Industrial Tribunal amounts to alteration of condition of service. Such condition may not have been expressly provided but it certainly existed by implication in the conduct of the Management. The condition of service which during the pendency of adjudication proceeding can not be affected are such as salary, gratuity, right to pension, and leave etc. as pertaining to the post of the workman as held in *Naba Krishna Chakraborty vs. State Road Transport Corporation*, Calcutta-1979 Lab. I. C. R. 966 at page 967.

22. In this Reference case these workmen have claimed for regularisation of their services in view of the long period for which they have been employed as casual workmen. In the event of their regularisation, the workman would be entitled to draw full wages payable to a permanent employee. The stoppage or payment of Rs. 70/- per day in the circumstances discussed in the award in my opinion amounts to alteration in regard to matter connected with the pending dispute. For evoking the protection of section 33 it must be established that the contravention complained of took place during the pendency of the proceeding before any of the authority enumerated in the section. The Reference No. 136 of 1997 was made by order dated 7-7-1997 and that the industrial dispute was thereafter transferred to the Industrial Tribunal, Patna by Govt. of India notification dated 11-6-1998. The Management stopped payment of Rs. 70 per day w.e.f. 22-12-1997 i.e. about five months after the notification referring the dispute to the Industrial Tribunal. Dhanbad for adjudication was issued. These facts are not in dispute. The circumstances leave no room for doubt that there was a proceeding pending before the Industrial Tribunal in respect of an industrial dispute at the time payment of Rs. 70/- per day was stopped.

23. In the facts and circumstances discussed above, I find and hold that the action of the Management of Central Bank of India in not considering the regularisation of S/Sh. Ram Sudan Thakur, Subhas Sonkar, Sunil Kumar Saha, and Swapan Kumar Chakraborty as full time staff was not justified. In view of this they are entitled to be considered for regularisation against the existing vacancies. If no vacancies are available they are to be considered for absorption against future vacancies before considering the appointment of new faces. They are also entitled to relaxation of maximum age limit if they are found over age at the time

they are considered for regularisation. This award will operate from the date they became eligible for being considered for regularisation on the basis of guide lines circulated in Ext. M and W-4.

24. I further find and hold that the action of the Management in stopping the payment of Rs. 70/- per day to the workmen w.e.f. 22-12-1997 was unfair and unjustified. The workman therefore are entitled to the restoration of the said amount from the date from which it was stopped and they shall continue to be paid such wages for additional hours of work to be rendered by them which they were rendering prior to its unlawful stoppage by the Management as held by me supra, until these workmen are actually regularised.

25. I accordingly passed this award.

T. L. VERMA, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.आ. 1844.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-06-99 को प्राप्त हुआ था।

[सं. एल-12012/166/93-आई आर (बी-II)]

जी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1844.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 01-06-1999.

[No. L-12012/166/93-IR(B-II)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
CHENNAI

Friday, the 29th day of January, 1999

Present :—

THIRU S. ASHOK KUMAR, M.Sc., B.L.,
INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO. 102 of 1993

(In the matter of the dispute for adjudication under Section 10(1) (d) of the I.D. Act, 1947 between the Workmen and the Management of Indian Bank, Madras).

Between

The workman represented by
The General Secretary,
Indian Bank Employees' Union,
No. 25, II Line Beach,
Madras-600001.

and

The General Manager,
Indian Bank,
31, Rajaji Salai,
Madras-600001.

REFERENCE :

Order No. L-12012/166/93-IR(B.II), Ministry of Labour
dated 4-11-93, Govt. of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 25th day of November, 1998, upon perusing the reference, claim, counter statement and all other material papers on record, upon hearing the arguments of Tvl. Row & Reddy, S. Vaidyanathan, & K. Indra, Advocates appearing for the petitioner-union and of Tvl. Aiyar & Dolia, R. Arumugam & B. Haribabu, Advocates appearing for the respondent-management, and this dispute having stood over this day for consideration, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Indian Bank in keeping Shri G. Ramanathan under suspension from 14-9-81 to 22-12-88 and imposing a punishment of stoppage of two increments with cumulative effect on him is justified? If not, to what relief, he is entitled?"

2. The main averments found in the claim statement filed by the petitioner union are as follows.—The workman Th. Ramanathan entered services as peon in the year 1966 in the respondent bank. He was promoted as Clerk in the year 1979 and after training at Madras, he was again posted at Aruppukottai. By an order dated 14-9-81 the said workman was placed under suspension by the respondent for a reason that the C.B.I, Madras informed the respondent that a charge sheet has been filed against the workman. The charge sheet was filed by the C.B.I. against the workman Ramanathan and other accused Meyappan. On 9-6-81, the workman Ramanathan was tendered pardon by the Chief Judicial Magistrate, Madurai on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relating to the offence. On 19-6-81, his name was removed from the accused list. As on 9-6-81, there was no case pending against the workman Ramanathan. Subsequently, the Criminal case against accused Meyappan ended in an acquittal. The Madurai Special Court by an order dt. 10-7-84 acquitted Meyappan from the charges on the ground that it was not proved beyond doubt. The workman Th. Ramanathan made various representations to the respondent to revoke the suspension but the management did not revoke the suspension. In his request dated 11-12-84 to Deputy General Manager to revoke the suspension, the DGM has sent a reply dated 19-12-84 stating that the management is not in a position to take a decision unless departmental enquiry is conducted against him. After 16 months by letter dated 26-3-86 the management issued a show cause notice mentioning all that happened in the criminal proceedings. In the show cause notice it was stated that workman had turned as Approver in the Criminal case and made voluntary confession before the VIII Metropolitan Magistrate, Madras and admitted his guilt voluntarily before Chief Judicial Magistrate, Madurai that while working as Peon at Aruppukottai branch, the workman prepared a loan application dated 19-2-77 in his own handwriting as if the loan application has been prepared by one Mr. S. Gurusamy Chettiar and signed as S. Gurusamy Chettiar in the loan application. Further the workman also executed a demand promissory note for Rs. 2500/- in the name of S. Gurusamy Chettiar as the borrower and one Mr. T. Mallaiyan as co-obligant and signed as Gurusamy Chettiar on the back of the debit voucher for Rs. 2500/-. It is further stated that the workman confessed in the court that he had prepared another loan application in his hand writing as if the loan application was prepared by one Sri R. Gurusamy chettiar and signed as R. Gurusamy chettiar in the loan application and also executed demand promissory note for Rs. 2500/- in the name of R. Gurusamy Chettiar as borrower and one Mr. Veerabhadran Chettiar as the Co-obligant and signed as Gurusamy Chettiar on the back of debit voucher for Rs. 2500/- in respect of this loan. The workman is said to have handed over the loan application to Thiru S. P. Meyappan the then Clerk-cum-Shroff of the branch knowing fully well that the proceeds of the above two loans were meant for S.P.M. Meyappan only. Thus, it was alleged that

he helped Sri S.P.M. Meyappan to raise the above said two loans to which he was not legally entitled. The above act of the workman was said to be highly improper and totally opposed to banking rules and acts prejudicial to the interest of the bank, a gross misconduct under Clause 19.5(j) of the Bipartite Settlement. The workman sent a reply dated 3-5-86 denying the allegations. Apart from denying that he voluntarily made a confession statement in the Court, he stated that he was threatened and coerced by the Police Authorities to turn as approver and due to compelling reasons he had done so. Without accepting the workman's contention, the respondent issued charge sheet dated 16-7-86. During the court proceedings due to the threats of punishments and assurances given by the CBI officers, the workman, Thiru Ramanathan gave confession statement before court based on which the Special Court, Madurai pardoned the workman and his name was removed from the list of the accused by an order dated 9-6-81. In the criminal proceedings against the said Meyappan, the workman deposed as prosecution witness. However, Special Court acquitted the said Meyappan as the prosecution failed to prove the charge beyond doubt. The Court did not rely upon the workman Ramanathan's statement. In the enquiry conducted by the management, there is no independent witness nor any evidence against the workman. All the evidence let in by the management does not implicate the workman in any manner. Every one spoke about Meyappan alone. The signatures in the loan application was not conclusively proved by the Assistant Government Examiner of questioned documents who gave the expert opinion. Without examining all these issues raised by the petitioner, the management imposed the punishment of stoppage of two increments with cumulative effect and the period of suspension from 14-9-81 till reinstatement was treated as suspension by an order dated 22-12-88. The petitioner made an appeal to the Appellate Authority with a petition to condone the delay as there was a delay of 9 days in preferring the appeal. The Appellate Authority dismissed the appeal by an order dated 20-3-89 saying that appeal was made by the defence representative and hence he is unable to condone the delay. The bank kept the workman under suspension without initiating a domestic enquiry as per Clause 19.4 which reads as under:—

"If after steps have been taken to prosecute an employee or to get him prosecuted, for an offence, the management may then deal with him as if he had committed an act of 'Gross Misconduct' or of 'Minor Misconduct' as defined below: provided that if the authority which was to start prosecution proceedings refuses to do so or come to the conclusion that there is no case for prosecution it shall be open to the Management to proceed against the employee under the provisions set out below in clauses 19.11 and 19.12 infra relating to discharge but he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full wages and allowances and to all other privileges for such period."

If the management wanted to initiate disciplinary proceedings against the workman, it should have done immediately after he was tendered pardon and his name was removed from the list of accused on 9-6-81. But the disciplinary action was taken only on 23-6-86 after 5 years. The delay in enquiry proceedings vitiates the enquiry. The alleged incident happened in the year 1977 but the management conducted the enquiry after 10 years. Because of the delay the workman was greatly prejudiced as he was not in a position to recall as to what had happened in the month of February and April 1977. The management did not establish the charge against the workman Ramanathan apart from his own confession statement. When the Special Court itself has given pardon to the workman, the management is not justified in punishing the workman after domestic enquiry relying upon his confession statement. Confession statement by itself will not be a conclusive proof to hold the workman guilty of the charges in the domestic enquiry. Clause 19.11 of the Bipartite Settlement says that if the management intends to take disciplinary action against an employee such decision shall be communicated to him within three days off. The respondent should have taken disciplinary action within 3 days from 19-12-84 when the Deputy General Manager expressed his intention to initiate disciplinary proceedings. Here the

workman Ramanathan was not an accused in the Criminal proceedings from 9-6-81.

If the management intended to take action they should have proceeded with the departmental action in the year 1981 itself. Instead, even otherwise the criminal proceedings was over on 10-7-81. When the Special Court at Madurai closed the case by acquitting the only accused Meyappan, immediately by a letter dated 11-12-84 the workman Ramanathan wrote a letter to reinstate him. For the same, Deputy General Manager by a letter dated 19-12-84 informed that the manager is not in a position to take a decision in view of the outcome of the Criminal Case, unless a departmental enquiry is conducted against him. On 19-12-84, the management expressed their intention to proceed with departmental action. Whereas on 26-3-86 after 15 months show cause notice was issued to Ramanathan and on 16-7-86, the charge sheet was given. At every stage the management gave a go-by to the Bipartite settlement. Therefore, the enquiry is vitiated due to the violation of Bipartite settlement. The clause 19.9 of the Bipartite settlement says that "A workman found guilty of misconduct, whether gross or minor, shall not be given more than one punishment in respect of any one charge". Here the workman Ramanathan is given double punishment by the management—one is stoppage of 2 increments with cumulative effect and the 2nd is treating the period of suspension as one under suspension. Both are major penalties and hence the punishment order is in violation of clause 19.9 of the Bipartite Settlement. The actual charge was against Meyappan. Even the management could not prove that Ramanathan was guilty except for his confessional statement. Now Meyappan was given a punishment of stoppage of one increment whereas Ramanathan was punished with stoppage of 2 increments with cumulative effect and the period of suspension to be treated as suspension. It is highly discriminatory on the part of the management. The workman was not paid subsistence allowance as per the payment of Subsistence Allowance Act, 1981. He was deprived of his statutory right to receive subsistence allowance of full salary if the enquiry is not over within 9 months. Hence the enquiry is vitiated on that ground itself. Petitioner prays to hold that the suspension of workman G. Ramanathan from 14-9-81 to 22-12-88 and the punishment of stoppage of 2 increments with cumulative effect is illegal and not justified and set aside the punishment order dated 22-12-88.

3. The main averments found in the counter statement filed by the respondent are as follows:—Thiru Ramanathan was prosecuted by CBI and therefore he was kept under suspension by order dated 14-9-81. Thiru Ramanathan gave a confession statement on 1-12-80 before the VIII Metropolitan Magistrate, Madras wherein he has voluntarily admitted that he had prepared the loan applications and affixed the signatures of two fictitious persons as borrowers and also signed the documents. The confessional statement voluntarily made by Sri Ramanathan categorically admitted that he signed as S. Gurusamy Chettiar and as R. Gurusamy Chettiar in his own handwriting and also on the back side of the debit payment vouchers. He expressed his desire to become approver in this case. The public prosecutor of CBI sought permission before the concerned Magistrate to remove Sri Ramanathan's name from the list of accused as Ramanathan expressed to become approver. Consequently the court ordered the removal of his name from the list of accused on 9-6-81 after admonishing him. The CBI filed charge sheet on 25-5-81 in the Court of the Chief Judicial Magistrate, Madurai. The charge sheet dated 25-5-81 does contain the name of Sri Ramanathan by the judgment dated 10-7-84, the Chief Judicial Magistrate, Madurai acquitted Sri Meyappan on the ground that there was no written record to prove that the loan amounts were disbursed to the accused Sri Meyappan. It is denied that there was no criminal case pending against Sri Ramanathan. When the workman for the first time applied for revocation of the suspension on 11-12-84, by the letter dated 19-12-84, he was kept informed that the respondent Bank was not in a position to take decision unless the departmental enquiry was conducted. The said reply was marked as Ex. D-5 in the departmental enquiry held against Sri Ramanathan. Under Clause 19(3)(a) of the Bipartite Settlement dated 19-10-66, when in the opinion of the management, an employee has committed offence, unless he be otherwise prosecuted, the Bank may take steps to prosecute him or get him prosecuted, in such a case he may also be suspended. Under clause 19(3)(c) if he be acquitted it shall

be open to the management to proceed against him. In the light of this, show cause notice was issued to Sri Ramanathan on 26-3-86. Since his reply dated 3-5-86 was not satisfactory, charge sheet was issued to him on 16-7-1986, setting out the acts of misconduct committed by him which were prejudicial to the interest of the bank. Such acts constitute major misconduct under clause 19.5(j) of the Bipartite settlement. When Sri Ramanathan came forward to give confessional statement, he was called upon by the Metropolitan Magistrate's Court, Madras to be present on 28-11-1980. He admitted before the Magistrate that no police met him before giving his confession on 1-12-80. The Magistrate informed him that he was not found to make such a statement and any such statement he makes, may be used as evidences. He was also asked to understand that he was also under no obligation to answer any question and that he was free to speak or refrain from speaking as if he pleased. The workman replied that he understood and also stated that no police officer had approached after he left the Court on 28-11-80. The Ex. M-8 produced in the domestic enquiry clearly proves the above free and voluntary confession made by Sri Ramanathan. It is purely an after thought, to deny that Ramanathan voluntarily gave confessional statement to save himself from the Criminal prosecution. Sri Ramanathan turned an approver and made confessional statement as aforesaid and now in order to escape from the consequences of the disciplinary action, the petitioner union seems to deny the voluntary confession made by Sri Ramanathan. Assuming that the denial of confession is true, he is liable to be put on trial before the Criminal Court. He was an abettor under section 107 of IPC workman admitted of having signed the signature of two borrowers. He voluntarily made confessional statement. The petitioner union is estopped from the factum of his having voluntarily made confessional statement, before this Tribunal. Assuming that the denial of confession is true, he is liable to be put on trial before the Criminal Court. The charge sheet issued by the management clearly sets out the acts of misconduct committed by Sri Ramanathan. The charge is not against Sri Ramanathan turning approver or making confessional statement but is in respect of acts of misconducts committed by him. As per the Bipartite Settlement, the respondent bank is entitled to institute department enquiry even in the criminal proceedings, the employee concerned is acquitted. The respondent bank initiated disciplinary action against Ramanathan and also against Meyappan, Sri Ramanathan was given opportunity to defend himself in the departmental enquiry. He has taken defence assistance of Mr. Vellayan who happened to be the President of Indian Bank Employees Union. The management produced ten documents as exhibits and let in oral evidence by examining three witnesses. On the defence side, the workman Ramanathan was the only witness and five documents were marked on his side as exhibits. Sri S. C. Lohia, Asstt. Government Examiner of questioned documents, Hyderabad was examined as MW-2. Based on the oral and documentary evidence, the disciplinary authority imposed on Sri Ramanathan, the punishment of stoppage of two increments with cumulative effect on 22-12-1988. The period of suspension was treated as one of his being on suspension. Sri Ramanathan reported for duty at Thenipatti-Pudupatti branch of the bank on 6-1-89. He did not submit any appeal to the Appellate Authority. But an appeal dated 15-2-89 was filed by the defence representative of Mr. Ramanathan. The order of punishment was imposed on 22-12-88 and the period of 45 days prescribed for filing appeal expired on 4-2-89. The appeal was not signed by Mr. Ramanathan but only by his defence representative. The appellate authority by his order dated 29-3-89 expressed his inability to condone the delay in preferring the appeal. The petitioner union has admitted that there was delay in preferring the departmental appeal. The charge sheet had been issued to Sri Ramanathan as per the provisions of the Bipartite Settlement. Clause 19.4 of the Bipartite Settlement would come into play only when the workman was not put on trial within a year of commission of the offence and when the authority which was to start prosecution proceedings to do so on comes to the conclusion that there is no case for prosecution. The CBI filed charge sheet on 25-6-81 for the offences committed under Sections 420, 471, read with 467, 420 read with 34 and 467 of Indian Penal Code. The additional Special Court, Madurai delivered its judgments on 10-7-84. Sri Ramanathan turned approver before the Criminal Court. Ramanathan was not discharged from the bank's service and therefore the provisions quoted

by the petitioner union are not applicable to the facts of the instant case. The Bank awaited for the conclusion of the criminal case before the Criminal Court. Disciplinary action was initiated against Ramanathan. If the Court convicts a workman he could be dismissed from service with effect from the date of his conviction vide clause 19.3(b) of the Bipartite settlement. The documents material evidence relied upon were to be received from the Court after its judgment on 10-7-84. On receipt of such document materials from the Criminal Court show cause notice was issued to Sri Ramanathan on 26-3-86 as per the provision of the Bipartite settlement. The departmental enquiry was conducted in a fair and proper manner. The enquiry officer's findings are based on the oral and documentary evidence. The workman did not allege in any manner, that he was prejudiced in any manner in the conduct of the enquiry. He was given opportunity and get himself examined at the enquiry and speak on the documents exhibited at the enquiry. If really fair opportunity was not given to Sri Ramanathan who was represented by knowledgeable trade union office bearers, he would have objected to the conduct of the enquiry, even in the departmental proceedings. The Enquiry Officer and the disciplinary authority did not merely rely upon the confessional statement given by Ramanathan before the Magistrate's Court, the same was considered in the light of the documentary evidence produced at the departmental enquiry and oral evidence of witnesses. The enquiry officer justly and fairly found that Ramanathan had committed the acts of misconducts set out in the charge sheet and found him guilty of the charge. When Ramanathan after the criminal court's judgment dated 10-7-84. On 11-12-84 requested the respondent to revoke his suspension, the respondent bank made it clear to him by the letter dated 19-12-84, that the bank would not be in a position to take a decision unless the departmental enquiry was conducted against him. Not only the documents or materials were made available to the Bank after quite some time by the Criminal Court but also the disciplinary powers came to be vested with Zonal Manager. Accordingly, the disciplinary authority issued show cause notice dated 26-3-86. Clause 19.11 which is related to discharge of a workman has no application to the facts of this case. The findings of the enquiry officer are fair, proper and justified and are based on oral and documentary evidence adduced in the departmental enquiry. The punishments for gross misconduct are set out in clause 19.6 of the Bipartite settlement. The punishment imposed on Ramanathan is stoppage of 2 increments with cumulative effect. The suspension pending enquiry is not a punishment. It is open to the Disciplinary Authority to deal with the period of suspension when Sri Ramanathan was found to be guilty of gross misconduct. The action of the Bank management in deciding as to how the period of suspension should be treated is not a major penalty. The order of the disciplinary authority is not in any manner violative of clause 19.9 of the Bipartite settlement. Both Ramanathan and Meyappan were prosecuted by CBI. Sri Ramanathan turned as an approver. The trial court acquitted Meyappan in the criminal proceedings on the ground that there was no written record to prove that loan amounts were disbursed to Sri Meyappan. The bank initiated disciplinary action against both of them individually. Punishment was imposed on Meyappan by Disciplinary Authority and Deputy General Manager, Vigilance Department, Madras on 11-1-89 whereas the disciplinary authority and Zonal Manager, Trichy imposed punishment on Sri Ramanathan on 22-12-88 and they are not comparable. The punishment imposed on Ramanathan is proportionate to the misconduct proved against him and the same need not be interfered by the Tribunal. Appellate Authority has also rightly found that appeal was not preferred by Ramanathan but only by the defence representative after expiry of 45 days prescribed in the Bipartite settlement. Respondent prays to dismiss the claim of the petitioner.

4. Exs. W-1 to W 15 and M-1 to M-9 have been marked by consent.

5. The point for consideration is: whether the action of the management of Indian Bank in keeping Shri S. Ramanathan under suspension from 14-9-1981 to 22-12-1988 and imposing a punishment of stoppage of 2 increments with cumulative effect on him is justified? If not, to what relief, he is entitled?

6. The Point.—The workman Th. G. Ramanathan who was appointed as peon in the year 1968 in the respondent bank was subsequently promoted as a clerk in the year 1979 and posted in the Aruppukottai branch after completion of his training. While he was working in Aruppukottai branch, it is alleged that the workman Thiru Ramanathan filed up two loan applications in the name of S. Gurusamy Chettiar and R. Gurusamy Chettiar and affixed the signatures of two fictitious persons as borrowers and also signed on debit payment vouchers in the name of fictitious persons. The CBI prosecuted the workman and Thiru Meyappan a clerk of the same. The loan applications prepared and signed by the workmen are Ex. M.1 and M.2. On 1-12-1980 at 3.00 P.M. the workman Thiru Ramanathan gave Ex. M.6 as confessional statement before the VIII metropolitan Magistrate Chennai wherein he admitted having filed up two loan applications in the name of S. Gurusamy Chettiar and R. Gurusamy Chettiar and signed the same in the name of the two fictitious borrowers and also in the debit payment vouchers. On 9-6-1981 the Chief Judicial Magistrate, Madurai tendered pardon to the concerned workman in pursuance of his desire to become an approver the criminal case. Against Th. Meyappan, clerk of the same branch who was the first accused in the said criminal case and the Ramanathan who was arrayed as the second accused. After accepting tender of pardon be turned as an approver and therefore his name as second accused was deleted in the case against Th. Meyappan. On 14-9-81 the workman was placed under suspension for his involvement in the criminal case. The Special court of Madurai delivered its judgment dated 10-7-1984, acquitted Th. Meyappan on the ground that the charges against him have not been proved beyond reasonable doubt. The said judgment is Ex. W-2, the deposition of Thiru Ramanathan as a witness in the said case is Ex. M.7. After acquittal of Thiru Meyappan in the said case on 11-12-1984 the workman sent letter to the respondent requesting revocation of suspension and reinstatement into service. To the said letter of the workman the respondent sent Ex W-4, letter dated 19-12-1984 informing the workman that unless a departmental enquiry was conducted against him no decision could be taken. On 26-3-86, the respondent sent Ex. W-5, show cause notice to the workman asking to explain why disciplinary action should not be taken against him for the misconduct committed by him. The workman is reply to the show cause notice is Ex. W-5. On 16-7-86 the respondent issued Ex. W-7 charge sheet and also appointed Thiru A. Nagooruchalai, Assistant Chief Officer, Zonal office Trichy to conduct the enquiry into the charges against the workman. A departmental enquiry was conducted against the workman on 14th, 15th July 1987 at Madras and 28th and 29th July 1987 at Madurai. Three witnesses including the handwriting expert Thiru Lohiya, Assistant Government Examiner of Questioned documents at Hyderabad were examined on behalf of the management and the workman examined himself as a defence witness. The enquiry proceedings are Ex. W-8. On 27-10-87, the workman submitted his written arguments Ex. W-9. On 6-1-88 Enquiry Officer gave his Ex. W-10 findings wherein he has held that the charge sheeted employee is guilty of the charges, classified under clause 29-5(j) of the Bipartite settlement which is a major misconduct. Accepting the findings of the Enquiry Officer, the Respondent issued Ex. W-11 second show cause notice dt. 14-11-88, proposing a punishment of stoppage of two increments with cumulative effect. The reply to the second show cause notice submitted by the workman is Ex. W-12. On 22-12-88, the respondent passed punishment order imposing a punishment of stoppage of two increments with cumulative effect and also treating the suspension period as one on suspension only. On 15-2-1989 an appeal Ex. W-14 was submitted on behalf of the workman by his representative. Since the appeal was not preferred by the concerned employee and also the appeal was filed beyond a period of 45 days allowed under the Bipartite settlement, the same was rejected by the respondent as per Ex. W-15 order.

The contention of the petitioner is that the charge against the concerned workman has not been proved in the domestic enquiry which was held belatedly and also the punishment is excessive or disproportionate. As regards the first contention, it could be seen that the concerned workman has made a voluntary confession before the VIII Metropolitan Magistrate, Chennai wherein he has categorically admitted

preparation of Ex. M.1 and M.2 loan applications and signing the same in the name of two fictitious borrowers as S. Gurusamy Chettiar and R. Gurusamy Chettiar and also the fact of his signing in the name of the same fictitious persons in the debit payment vouchers. After giving a voluntary confession he has accepted the pardon rendered by the Chief Judicial Magistrate, Madurai to enable him to turn as an approver. After turning as an approver he has deposited before the Special Court of Madurai (I Additional Sessions Court, Madurai) where also he has admitted his preparation of two loan applications in the name of two fictitious borrowers and signed the same and also signed the debit vouchers. Thus it could be seen that on 1-12-80 when he made Ex. M.6 confessional statement before the VIII Metropolitan Magistrate, Chennai and on 12-8-83 when he deposited before I Additional Sessions Court, Madurai in C. C. No. 1/82 as PW 1 he has admitted his preparation of loan applications in the name of two fictitious persons and signed the same. If the workman has not turned as an approver he would have been prosecuted as second accused in the above case. By turning himself as an approver he has accepted the pardon rendered by the Chief Judicial Magistrate, Madurai. An Approver can be defined as a man of worst character who has thrown to wolves his erstwhile friends and associates for the purpose of saving his own skin and he is a criminal who has purchased liberty by betrayal. After saving his skin the criminal proceedings against him by turning as an approver now the workman wants to make this Court believe that his involvement in the misconduct is not proved in the departmental enquiry against him. In the departmental enquiry also the handwriting expert S. C. Lohia has been examined as a witness. His opinion is Ex. M.3 in the departmental enquiry also the involvement of the concerned workman is proved. Because the co-accused Thiru Meyappan was acquitted by the I Additional Sessions Court (Special Court) on the ground that charge against him has not been proved beyond doubt it does not automatically absolve the workman Thiru Ramanathan from his liability in departmental proceedings for the misconduct committed by him. Therefore I hold that the charge against the workman has been clearly proved in the departmental enquiry. The honesty and integrity expected of from an employee of a bank has been well said by a Hon'ble Judge of the Karnataka High Court in (1994) 85 FJR P. 227.

D. Padmanabhadu Vs. Bank of India as follows :—

- (i) That a bank is the custodian of the money of the customers and the cashier is a person who deals with the money and he must be more diligent and honest and justify the trust reposed in him by the bank and by the customers. If once the customers lose the confidence in the dealings, the entire organisation suffers since the confidence of the customers is the basis on which the entire edifice of the banking system is built.
- (ii) that the intentional temporary retention of the money which did not belong to a person was also misappropriation and mere repayment would not absolve the liability or the misconduct committed by the first respondent. When once money is put into a bank by a customer, the bank owes a duty to repay the money to the customer.
- (iii) that caste should not be a ground while appreciating the facts and law in a given case,
- (iv) that the act of the first respondent amounted to misuse of office or betrayal of the trust shaking the very confidence reposed by the customer in the banking custom.
- (v) that it is settled law that when the confidence is reduced or a responsible post is misused or a sensitive or strategic position is abused, the Court should not lightly consider the same and grant relief. To reinforce the confidence in the mind of the customers, stringent punishment is essential;
- (vi) that setting aside the dismissal of the first respondent and reinstating him in service might demoralise the petitioner-organisation and breed indiscipline. This was not a case where a certain trivial misconduct was committed. The intention of the first

respondent was exhibited by false entries and the act of misappropriation had been proved by overwhelming evidence and admission of the respondent. The interest of an individual cannot override or be compromised when it is a question of maintaining discipline in a banking organisation".

In a very recent judgment reported 1998 (3) SCCP, 118, the Hon'ble Apex Court has held as follows :

"It needs to be emphasized that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee and in particular the bank officer. If this is not observed, the confidence of the public/depositors would be impaired. It is for this reason, we are of the opinion that the High Court had committed an error while setting aside the order of dismissal of the respondent on the ground of prejudice on account of non furnishing of the inquiry report findings to him".

An employee in banking service who deals with public money must be honest. But this workman has gone to the extent of preparing loan applications in the name of two fictitious persons and signed the same in the name of such fictitious persons. But he has been let off with a lenient punishment of stoppage of two increments and treating the period of suspension as only on suspension. The punishment imposed on the concerned workman is very lenient. Further only in the case of discharge or dismissal the Tribunal can interfere u/s 11 of the I.D. Act, if the punishment awarded is found to be grossly disproportionate to the misconduct proved against the workman. It is not a case of discharge or dismissal and therefore, this Tribunal cannot interfere with the punishment awarded to the workman.

In the result, award passed dismissing the claim of the petitioner. No costs.

Dated, this the 29th day of January 1999.

S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For both sides :
None

DOCUMENTS MARKED

For petitioner-Workman :

- Ex. W-1/9-6-81—Order of Chief Judicial Magistrate tendering pardon (Xerox copy)
- Ex. W-2/10-7-84—Order of Chief Judicial Magistrate (Xerox copy)
- Ex. W-3/14-9-81—Suspension order issued to petitioner (Xerox)
- Ex. W-4/19-12-84—Letter from respondent to petitioner regarding departmental enquiry (Xerox)
- Ex. W-5/26-3-86—Show cause notice issued to petitioner (Xerox)
- Ex. W-6/ — Petitioner's reply to Ex. W-5 (Xerox)
- Ex. W-7/16-7-86—Charge sheet issued to petitioner (Xerox)
- Ex. W-8/ — Enquiry proceedings (Xerox copy)
- Ex. W-9/27-10-87—Defence summing up of Enquiry proceedings (Xerox copy).
- Ex. W-10/6-1-88—Findings of the Enquiry Officer (Xerox copy)
- Ex. W-11/14-11-88—Second show cause notice issued to petitioner (Xerox copy)
- Ex. W-12/ — Petitioner's reply to Ex. W-1 (Xerox copy)
- Ex. W-13/22-12-88—Punishment order issued to petitioner by the respondent (Xerox copy)

Ex. W-14/15-2-89—Appeal filed by the petitioner (Xerox copy)

Ex. W-15/20-3-89—Letter from respondent to petitioner regarding condoning delay (Xerox copy)

For Respondent Management :

- Ex. M-1/19-2-77—Application for credit to Traders in Goods other than fertilisers by one S. Gurusamy Chettiar (Xerox copy)
- Ex. M-2/ —Application for credit to Traders in Goods other than fertilisers by one R. Gurusamy Chettiar (Xerox copy)
- Ex. M-3/1-7-87—Handwriting expert's letter and opinion (Xerox copy)
- Ex. M-4/28-7-87—Investigating Officer's report (Xerox copy)
- Ex. M-5/28-7-87—Letter from Branch Manager, Arupukottai to Head Office (Xerox copy)
- Ex. M-6/28-7-87—Confessional statement of petitioner before Principal District Court, Madurai (Xerox copy)
- Ex. M-7/28-7-87—Deposition of petitioner as prosecution witness before the criminal Court (Xerox copy)
- Ex. M-8/28-7-87—Criminal Court Judgment in Meyappan's case (Xerox copy)
- Ex. M-9/28-7-87—Specimen handwriting of the petitioner (Xerox copy)

नई दिल्ली, 31 मई, 1999

का. आ. 1845.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैंटीन स्टोर्स डिपार्टमेंट, बेंगलूर के प्रबन्ध-तंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं. एल-14012/15/94-आई आर (डी यू,
सं. एल-14012/24/95-आई आर (डी यू,)
सं. एल-14012/23/95-आई आर (डी यू)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 31st May, 1999

S.O. 1845.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Canteen Stores Department, Bangalore and their workmen, which was received by the Central Government on 31-5-99.

[No. L-14012/15/94-IR(DU),
L-14012/24/95-IR(DU),
L-14012/23/95-IR(DU)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Bangalore, the 18th May, 1999

PRESENT :

Justice R. Ramakrishna, Presiding Officer.

C.R. No. 50/1997

I PARTY

Smt. M. Ragini,
No. 12, 'C' Street,
Rowee Lane,
Ashoknagar,
Bangalore-560025.

II PARTY

The Administrative Officer,
Canteen Store Department,
Trinity Church Road,
Agram Post, P.B. No. 708,
Bangalore-560007.

C.R. No. 199/97

I PARTY

Smt. Malarkodi,
D/o Manikam,
No. 26 (Old No. 13),
'D' Street,
Jayarajanagar,
Ulsoor,
Bangalore-8.

II PARTY

The Area Manager,
Canteen Stores Department,
Government of India,
Ministry of Defence,
Bangalore Depot, Trinity
Church Road, Agram Post,
Bangalore-7.

C.R. No. 200/97

I PARTY

Smt. Lakshmi Bai
D/o Late A. R. Thonder,
No. 31/6, Artillery Road,
3rd Cross,
Gouthampuram,
Ulsoor,
Bangalore-8.

II PARTY

The Area Manager,
Canteen Stores Department,
Government of India,
Ministry of Defence,
Bangalore Depot,
Trinity Church Road, Agram,
P.B. No. 708,
Bangalore-7.

COMMON AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred all the above disputes for adjudication by their reference numbers :

C.R. No. 50/1997

(a) No. L-14012/15/94-IR(DU) dated 4-9-1997.

SCHEDULE

"Whether the action of the part of the management of Canteen Stores Department, Bangalore Depot, Ministry of Defence, in terminating the services of the employee Smt. Ragini with effect from 15-3-1989 is justified? If not, to what relief employee is entitled?"

C.R. No. 199/97

(b) No. I-14012/24/95-IR(DU) dated 26-2-1997.

SCHEDULE

"Whether the management of Canteen Stores Department is justified in terminating the services of Smt. Malarkodi w.e.f. 21-4-89 on the ground that it was a purely temporary appointment for a specified period? If not, to what relief the workman is entitled?"

C.R. No. 200/97

(c) No. L-14012/23/95-IR(D) dated 8-12-1997.

SCHEDULE

"Whether the management of Canteen Stores Department is justified in terminating the services of Smt. Lakshmi Bai w.e.f. 18-3-89 on the ground that it was a purely temporary appointment for a specified period? If not to what relief the workman is entitled?"

2. The above disputes arose due to non-continuation of the workman shown as first parties, for the post held by them during the relevant period. The second party is common in all the disputes. The nature of averments and the relief claimed by the first party are identical. Therefore to avoid unnecessary repetition, this common award is passed.

3. The second party is a Canteen Stores Department coming under Ministry of Defence. The second party has utilised the services of first party workman on temporary appointment for a specified period on the need basis. Their services were dispensed with, in obedience with the orders of the Government.

4. The workman in CR 50/97 was taken as a daily rated clerk during the month of April 1988. Her services were terminated in the month of March 1999. Her main contention is that the work she was doing was perennial in nature and since the second party is an industry her service conditions are governed under the provision of Industrial Disputes Act, 1947. Her further contention is that she has worked more than 240 days in a year and therefore her termination amounts to retrenchment under Section 2(oo) and in such event the management shall follow the provision contained in Section 25F, and having not followed, the termination is null and void. She has also alleged that unfair labour practice on the part of the second party and therefore she is entitled for an order of reinstatement to her original post with consequential benefits.

5. The first party in CR 199/97 was appointed in the month of July 1988 as a Casual Clerk/Typist. Her services were dispensed with from 21-4-1989. She also contended that there is violation of Section 25F as her case also falls under the term retrenchment. She also prayed identical prayer.

6. In CR 200/97 the workman joined duty in the month of July 1988 as Casual Clerk/Typist till her work was dispensed with from 22-4-1989. She also made the same averments as the other workman did and prayer for the same relief.

7. The second party filed counter statements individually in each disputes.

8. As it relates to CR 50/97 the contention of the second party is that this workman employed on a temporary basis and was utilised from 22-6-1988 to 18-3-1989 totalling to 211 days. This temporary employment was made strictly in consonance with the policy of the Government of India in OM No. 45014/2/66. EST (C) dated 7-6-88. Thereafter in view of the direction given by the Head Office the service of temporary appointment employees were terminated. As it regards to this workman the date of termination is given as 1-3-1989.

9. It is mainly contended that this workman has not worked 240 days as claimed. She has ceased to be an employee w.e.f. 1-3-1989 due to an office memorandum issued by the Government followed by a circular from the head office.

10. In respect of CR 199/97 the contention of the second party is that this lady worked from July 1988 with breaks to

31-3-1989. The further contention is that due to break in service in each month there was no continuity of service and therefore the question of retrenchment and following Section 25F will not arise.

11. In CR No. 200/97 the contention of the second party is that this lady worked from 26th May, 1987 with minor breaks and one termination dated 23-12-1987. The second spell of work is from 9-3-88 to 18-3-89 with break in service. It is contended that all these workmen are engaged purely as daily rated employees and whenever there is work for particular day they used to be called and when there is no work their services were not essential and therefore there is no question of any termination in all these cases. The second party also gave the period they have worked by giving full detail at Para No. 3 of their counter statement.

12. All these workmen were examined by their respective advocates. The first party in CR No. 50/97 has deposed that she joined duty on 22-6-88 after she received a communication from employment exchange. She was doing clerical job till she was removed from services on 9-8-89. She has given details of work entrusted to her and the working timing was 9.30 a.m. to 5.30 p.m. The work was permanent in nature and the second party used to pay daily wages only for the working days. However the wages were paid on National Holidays. In the cross examination it was stated that she was worked only from April 1988 to March 1989. She also denied that she was appointed on temporary basis to work only when the work was available.

13. In CR No. 199/97 the concerned workman Malarkodi deposed that she has received a letter from employment exchange with regard to the availability of the work at the second party. Ex. W-1 is the letter received by Executive Engineer advising her to report for duty on 13-1-1988. She has not been issued any appointment order. She worked from 1-7-88 to 31-3-1989. From 1-4-89 her services are not utilised.

14. In CR No. 200/97 the workman has deposed that consequent to a letter from employment exchange she reported to duty on 26-5-87. She worked upto 18-3-89 she belongs to scheduled caste. From 18-3-89 her services was discontinued along with several other candidates, and therefore she is entitled for re-instatement and other benefits.

15. In the cross examination it is elicited that her work was stopped from 22-12-1987 and once again she was asked to work from March 1988. She has admitted that she was also a daily rates employee.

16. The evidence of the second party related to all these disputes mainly summarised as follows:

MW-1 the Assistant Manager who was examined in CR 50/97 has deposed highlighting the nature of employment and the termination. As it relates to CR No. 50/97 the evidence of this witness is that the first party worked from 22-6-1988 to 18-3-1989 as a daily rated LDC. She worked exactly for 211 days. The Government of India sent a circular dated 7-6-88 instructing the department coming under it to discontinue the services of daily rated employees. He has produced Ex. M-1 a statement showing the break period and Ex. M-2 extract of muster roll and Ex. M-3 circular dated 7-6-88. According to this witness these workmen were engaged on daily wages for a temporary period. The regular employees will be selected by Staff Selection Commission. Their appointment was purely to meet urgent works.

17. He has admitted in his cross examination that no appointment orders were issued and he has agreed that the nature of work for casual employee and a daily rated employee is almost similar.

18. This witness also examined to give a common evidence in CR No. 199/97 and 200/97. He has stated that the lady in 199/97 was engaged as a LDC on daily waged temporarily in and she worked from 1-7-88 to 31-3-1989. Her services were closed on 21-4-89 in accordance with circular received from Government of India dated 7-5-88. Therefore no continuity of service as the services used to be discontinued due to some breaks. In CR No. 200/97, the workman who worked from 26-5-87 and her services were closed on 18-3-89. 1759 GI/99-25

19. The learned Advocate for the second party made a common appeal in all the cases that all these workmen engaged purely on the daily rated basis to carry out day to day work for a particular period. Since this employment was strictly with consonance of the policy of Government of India in OM No. 45014/2/66-EST(C) dated 7-6-88 and in view of the official memorandum dated 31-1-1989 which contained a direction to terminate all daily rated employees, therefore there is no question of any retrenchment and consequential extension of benefits under Section 25F.

20. Against this submission the contention of the first party as could be seen from her written arguments is, that the core question that requires consideration in all these cases is whether the termination is illegal and they having worked 240 days their termination amounts to retrenchment, they are eligible for all the reliefs.

21. If we assess the evidence, both oral and documentary there is no doubt that all the workman concerned in this disputes have not worked 240 days continuously. Therefore there is no question of any retrenchment as defined under Section 2(oo) of the Act.

22. Their services were taken on need basis, to complete some pending works. Ex. M-3 and Ex. M-4 are the necessary direction given to all depot managers to act under the guidance given thereon.

23. Though we may presume that these directions are not applicable in a given case where the qualification, services and nature of work as such, that it loses its nomenclature as a temporary work. But any workman claiming the relief under Industrial Disputes Act their shall be statutory requirements. Mainly there should be a continuity of services of more than 240 days in a year. Without this there cannot be any violation of Section 25F of the act. For the purpose of regularisation of the casual or daily rated employees they shall fulfil certain conditions. If the work is given for a long duration, and the nature of work is that of the work given to a permanent employee then the question of regularisation may be considered. If these principles are not fulfilled one cannot claim either for reinstatement or regularisation.

24. In fact in the case between the workman of American Express International Banking Corporation and the management American Express International Banking Corporation the Hon'ble Supreme Court has defined the term continuation service. According to the Hon'ble Supreme Court the expression "actually worked under the employer" is applicable of comprehending the days during which the workman was in employment and was paid wages, there is no reason as why the expression should be limited at the explanation. Any other meaning to the expression "actually worked under the employer" frustrated the object of Section 25F.

25. The second party have given a clear picture as it relates to the number of days these workman worked. It is not disputed that only in national holidays the wages have been paid to them. Therefore one to construe wage paid period as working days.

26. The materials placed by the parties lead to a conclusion that the first party are not entitled for any relief under law. Consequent to these circumstances the following order is made.

ORDER

The second party, in each case, are justified in terminating the services of the first party workman. The reference is answered accordingly.

Keep a copy of this order in CR. No. 199/97 and CR. No. 200/97.

(Dictated to the Stenographer, transcribed by her, corrected and signed by me on 18th May, 1999.)

JUSTICE R. RAMAKRISHNA, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.मा. 1846.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्धकों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-99 को प्राप्त हुआ था।

[सं. एल-31012/12/98-आईआर. (निविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1846.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mumbai Port Trust and their workman, which was received by the Central Government on the 2-6-1999.

[No. L-31012/12/98-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/19 of 1999

EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST

AND

Their Workmen

APPEARANCES :

For the Employer : Shri Umesh Nabar Advocate.

For the Workmen : Shri V. Narayanan, Representative.

Mumbai, dated 6th May, 1999

AWARD

The Government of India, Ministry of Labour by its Order No. L-31012/12/98/IR(M), dated 11-1-1999, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Mumbai Port Trust by reduction the pay of Shri A.G. Kelkar and Shri R. D. Dalvi on their transfer from one section to another is justified ? If not, to what relief the workman is entitled to ?”

2. After receipt of the order of reference the Secretary of the Tribunal issued notices to the concerned parties. They were duly served.

3. One Mr. Umesh Nabar, Advocate appeared on behalf of the management (Exhibit-3). The order was passed other side to say.

4. The General Secretary of BPT General Workers union filed apurshis (Exhibit-5) dated 15th April, 1999 informing the Tribunal that the workman covered under the above reference are not members of the union.

5. In view of the purshis filed by the union it reveals that now the which has raised a dispute is not ready to come forward and prosecute the matter. Nobody else appeared on

behalf of the workman. Under such circumstances, I have no way but to disposed off the matter for want of prosecution

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.मा. 1847.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता पोर्ट ट्रस्ट के प्रबन्धकों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-99 को प्राप्त हुआ था।

[सं. एल-32011/4/92-आईआर. (निविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd June 1999

S.O. 1847.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workman, which was received by the Central Government on the 2-6-1999.

[No. L-32011/4/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 21 of 1993

PARTIES :

Employers in relation to the management of Calcutta Port Trust

AND

Their Workmen.

PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE :

On behalf of Management : Mr. G. Mukhopadhyay, Senior Labour Officer (IR) with Mr. M. K. Das Senior Labour Officer (IR).

On behalf of Workmen : Mr. G. Dutta, Executive Committee member of the Union.

STATE : West Bengal.

INDUSTRY : Port & Dock

AWARD

By Order No. 32011/4/92-IR(Misc.) dated 19-2-1993 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Calcutta Port Trust in refusing to grant consolidated overtime and other benefits to the Radio Officers working under Director, Marine Department, Calcutta

Port Trust who are classified as Class-III employees, as are entitled to regular Marine Crew (Class III & IV) attached to different CPT vessels is justified or not? If not, to what relief the concerned employees are entitled?"

2. Instant reference has arisen at the instance of the National Union of Waterfront Workmen (I), Calcutta (in short the union) for payment of consolidated overtime and other benefits to the Radio Officers of the Marine Department of the Calcutta Port Trust (in short the CPT) as are available to the regular Marine Crew attached to different CPT vessels.

3. Union's case, in short is that Radio Officers working under Director, Marine Department are all Class-III employees and they are to work in different vessels and crafts of the CPT. Radio Officer falls exclusively within the marine category. Marine category means all persons certified or uncertified connected with the operation of the vessels and/or sail regularly. Radio Officers in the CPT hold essential marine certificate issued by the Ministry of Communication. Staffs of the vessels of the CPT other than the Radio Officers are considered marine staffs. The fringe benefits given to the marine staff for working on board the vessels are not given to the Radio Officers although the conditions of service of both categories of staffs are same and identical. The Radio Officers are denied consolidated overtime at the rate of 73 per cent of the gross pay, free supply of ration and supply of uniform (both summer and winter). The Radio Officers on the other hand, are given some money @ Rs. 22.50 per head per day, uniform allowance @ Rs. 150 per head per month and away from base allowance @ Rs. 10 and Rs. 7 per head per day in lieu of consolidated overtime @ 3 per cent of the gross wages and supply of free ration. There is thus discrimination in the pay and allowances between Marine Crew and the Radio Officer and the management has shown no reason as to why such discrimination has been made. The union has accordingly prayed for removal of the discrimination in the pay and allowances between the marine staffs and Radio Officers.

4. The management of the CPT filed a written statement. Its case is that all the crew members are covered by the Minimum Wages Act, 1948 duly notified in the official gazette of Government of India notice Nos. S.R.O. 335 and 345 dated 7-3-1951, LW-1-24(74) dated 7-3-1952 and S.R.O. 3670 dated 29-12-1954. Since by the nature of their work the crew members attached to the different vessels/crafts of the management are to perform irregular nature of duty beyond normal working hours as specified by the Minimum Wages Act 1948, they are paid a consolidated overtime allowance taking into consideration their working hours beyond normal working hours. The revision of such rate of consolidated overtime payable to crew members attached to different vessels/crafts of the management was subsequently adjudicated by the Central Government Industrial Tribunal, Calcutta in Reference Nos. 136, 137 and 140 of 1966, 17 of 1977 and 44 of 1978 and the crew members are now being paid as per Awards of the Tribunal in the aforementioned references. The Radio Officers are attached to the establishment of the Chief Radio Officer situated at Ramnagar Radio Station. Deployment and duties of the Radio Officers attached to other vessels require to stay down the Radio Officers are required to work both on shore at different wireless stations and also on different vessels/crafts of the management. The Radio Officers are deployed on rotation. In case of Radio Officers deployed on board pilot vessel and dredger the approximate duration of deployment are 15 days. Out of the 30 days the Radio Officers attached to other vessels require to stay down the river for 7 days approximately. All Radio Officers are deployed at the Ramnagar W. T. Station for the remaining period of the year which comes to 6 to 9 months. Radio Officers, wherever posted are not to perform more than 8 hours of duty in a day. Radio Officers' duty include taking charge of the respective wireless station, maintain 8 hours listening radio watch and to exchange radio messages, to maintain and effect repairing of common fault off the wireless and allied equipments to maintain accumulator and to maintain stores and inventory and daily testing of wireless equipments. Radio Officers although categorised as Class-III employees enjoy certain benefits and facilities admissible

to marine officers (both Class-I and Class-II). Their allowances and facilities include victualling allowance, away from base allowance, uniform allowance, 20 days casual leave, specific cabin/room facility, services of saloon staff, bar facility when posted on board pilot vessels at send heads, transport facilities, officiating facilities against vacancies in Class-I and Class-II cadres and mess money at par with the marine officers. The Radio Officers do not fall within the notified category under the Minimum Wages Act, 1948 and they do not perform their work beyond their normal working hours. The condition of employment and the nature of job of the Radio Officers cannot at all be compared to those of the crew members. Management accordingly alleges that the Radio Officers shall not be entitled to get consolidated overtime like crew members. It accordingly prayed for dismissal of the reference.

5. The written statement of the management is followed by a rejoinder of the union wherein it is alleged that the Radio Officers being of Class-III cadre have to remain confined within their place of work for 8 to 16 days at a stretch like other marine crews without enjoying any holiday or weekly day off in between while sailing down the river in the vessels. It is alleged that like other marine cadre Radio Officers are covered under the Minimum Wages Act, 1948 and they are to perform irregular nature of duties beyond the normal working hours as specified in the Minimum Wages Act, 1948. It is also alleged that the Marine crews and the Radio Officers stand on the same footing and they shall accordingly be entitled to get same allowance. The rest of the allegations are merely repetition of the earlier allegations of the written statement of the union.

6. Heard Mr. G. Mukherjee, representative of the management and Mr. C. Dutta, representative of the union.

7. The witnesses were examined on each side.

8. Mr. Mukherjee, representative of the management challenged the claim of the union on several grounds. In the first place it is alleged that there is no existing law justifying the demands of the union for the parity of consolidated overtime of the Radio Officers with the marine crews.

9. A short reference to the following facts shall be necessary to understand the points raised by Mr. Mukherjee in this case. Initially the scales of pay of different types of crews are fixed at the Central Government scales since 1943. The said pay scales were revised by the First Pay Commission and thereafter by the Second Pay Commission. After the Minimum Wages Act, 1948 was enacted and became applicable to the marine crews the trade unions operating in the Calcutta Port Trust started demanding overtime wages for the crews. Since the normal hours of work and weekly off days were not possible to be maintained in case of the marine crews as they had to go and stay down the river, the management of the CPT framed Regulations governing the service conditions of the employees in the vessels and shore stations of CPT and on the strength of such Regulations applied for exemption from the application of the provisions of Minimum Wages Act, 1948 and the Central Government granted such exemption by its order dated 15th December, 1960. By such Regulation the marine crews shall be deemed to have worked 65½ hours a week and will be paid consolidated compensatory allowance in lieu of overtime wages at 62½ per cent of pay with other benefits. The rate of consolidated compensatory allowance, however, was challenged in Reference cases before this Tribunal in 1966 and the demands of the workmen were found unjustified. The issue of revision of consolidated compensatory allowance and other benefits payable to the marine crews again came up for consideration in Reference No. 17 of 1977 and 44 of 1978 before this Tribunal. The Tribunal raised the consolidated overtime to a certain extent.

10. Mr. Mukherjee submitted that the category, namely, Radio Officer (Class-III) (their earlier designation being wireless operator) was not included in the Regulations mentioned above. Though Mr. Dutta, representative of the union tried to argue that the regulations shall be applicable in respect of the Radio Officers too, that cannot be substantiated from the regulation itself. The conclusion, therefore, is inescapable that the regulations do not apply to the Radio Officers. Mr. Dutta also failed to show that the Radio Officers come within the notified categories of workmen covered by the

Minimum Wages Act, 1948. WW-1, Debo Prosad Gupta who was working as a Radio Officer of the CPT stated in his cross-examination that he does not know what are the categories of workmen under the Minimum Wages Act, 1948 and he accordingly could not say whether they are notified as covered under the said Act. It is, therefore, clear that the Radio Officers working in the Marine Department are not covered under the said Act.

11. It is therefore, clear that the CPT enjoys exemption from the Minimum Wages Act, 1948 with regard to all categories of workers working on board CPT vessels and shore stations. No category of worker working in the said department can claim overtime as per provisions of the said Act. The Radio Officers accordingly cannot claim consolidated overtime and other benefits at par with the marine crews working on board CPT vessels.

12. Mr. Mukherjee's next contention is that the Radio Officers on their appointment under the CPT had accepted all the terms and conditions of service attached to the post. The scale of pay, allowances and other benefits admissible to the Radio Officers had been designated in its present form to compensate the services they are supposed to render. It is an admitted fact that there has been no change in the nature of their service since their appointment, nor have they been burdened with any additional duties. According to Mr. Mukherjee the terms of contract of service voluntarily entered between the employer and employee is not liable to be changed under any circumstances. I am not in a position to agree with this contention of Mr. Mukherjee in as much as workman in general is not in a position to bargain with the employer regarding his service condition. Social justice demands in such circumstances that in suitable cases the Industrial Tribunal should examine the contract of service and give proper relief to the workman if the terms of the same is found to be unjust.

13. I shall now pass on to the last point in controversy, namely, whether there is similarity in the work of the marine crews with the Radio Officers justifying the claim of the latter to the consolidated overtime as received by the former. From the evidence of WW-2 it appears that though the basic pay of the Inland Master and the Radio Officer are same, still then, nature of their job are different. He, however, stated that their sufferings are equal as they are to remain in isolation while vessel is in water. None of the witnesses examined by the parties disagreed that the nature of the duty of the marine crews and the Radio Officers are not same. As a matter of fact, it does not require any evidence to understand that while the marine crews are engaged for running and operation of the vessels, the Radio Officers are to perform the job of receiving and transmitting the messages. The responsibility of the marine crews must be much higher than that of Radio Officer, because they are directly in-charge of running and maintenance of the vessel. Regarding the duties it was calculated as 65½ hours for the marine crews as per Award. Admittedly, the Radio Officers do not put in more than 8 hours of work daily. Duty hours of the marine crews accordingly is longer than that of Radio Officers. There being thus disparity in the nature of work, duty hours and the responsibility attached to the post, any comparison between the marine crews and the Radio Officers in respect of the above matters is not possible. The principle of 'equal pay for equal work' demands equality in respect of above matters in particular. That being not so, there is no question of application of the principle of 'equal pay for equal work' in this case.

14. It further appears that the Radio Officers are not deprived of monetary benefits for their duties down the river. It appears from the evidence of WW-1 that he admitted that though the Radio Officers are not officers still they get mess allowance and uniform allowance like the officers under the CPT which Rs. 63 per day and Rs. 270 per month respectively. He also admitted that they also get a base away allowance. Mr. Mukherjee submitted that along with that they also get other benefits like service of cabin crew as an officer and other advantages. There is, however, no evidence regarding the additional benefits enjoyed by the Radio Officers. It is also to be remembered that the question of consolidated overtime to the Radio Officers cannot arise as they admittedly work 120 days only in a year in the vessel

on average. Since such overtime is intended only for those workmen of the Marine Department who are liable to be in continuous service in the vessel and crafts that there are valid and good reason for not granting consolidated overtime to the Radio Officers.

15. Before parting with this reference, I am to mention that it was submitted by Mr. Mukherjee which was not denied by Mr. Dutta that the Radio Officers are being elevated to the position of Class-II Officers since 1-1-97, excepting four of them who have not got the necessary qualification for appointment in such position. For most of the Radio Officers, therefore, there cannot be any grievance after 1-1-97.

16. So, upon consideration of the facts and circumstances, evidence on record along with the position of law in this matter, I am to hold that the union has hopelessly failed to prove the entitlement of the Radio Officers to consolidated overtime and other benefits at par with regular marine crews attached to the CPT vessels. That being so the management of the CPT rightly refused to extend such benefits to the Radio Officers. In the aforesaid circumstances the workmen shall not be entitled to any relief in this case.

This is my Award.

Dated, Calcutta.

the 21st May, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.आ. 1848 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने ए.बी.सी. एण्ड सन्स लि. के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, सं. 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-6-99 को प्राप्त हुआ था।

[सं. एल-31011/4/97-आई.आर. (विषय)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1848.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.-2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. ABC & Sons Ltd., and their workman, which was received by the Central Government on 2-6-99.

[No. L-31011/4/97-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/31 of 1997

Employers in relation to the Management of M/s. ABC & Sons Ltd.,

AND
Their Workmen

APPEARANCES:

For the Employers:

Management No. 1.—Ms. S. V. Kher, Advocate.

Management No. 2.—Mr. M. B. Anchan, Advocate.

For the workmen.—Mr. S. R. Wagh, Advocate.

Mumbai, dated 3rd May, 1999

AWARD

The Government of India, Ministry of Labour by its order No. L-31011/4/97-IR (Misc.), dated 19-8-97, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of ABC & Sons Ltd. in refusing to pay the legal dues as additional privilege leave encashment, uniform allowance and non-including fitment personal pay in basic pay of following workmen is justified? If not, to what relief are the workmen entitled?”

ANNEXURE**LIST OF WORKMEN**

1. Mr. M. S. Naik.
2. Mr. Ramkrishna R. Mahale
3. Mr. D. A. Kondaskar
4. Mr. B. R. Wadekar
5. Mr. R. J. Rhobe
6. Mr. K. R. Desai
7. Mr. S. Y. Naik
8. Mr. R. D. Pitale
9. Mr. L. Mendonsa
10. Mr. C. J. Fernandes
11. Mr. D. G. Pardesi
12. Mr. V. N. Kadam
13. Mr. M. Y. Samant
14. Mr. M. B. Kargutkar
15. Mr. M. B. Telang
16. Mr. R. G. Fai
17. Mr. D. N. Jain
18. Mr. T. M. Coutinho
19. Mr. M. L. Rana
20. Mr. R. D. Paralkar
21. Mr. J. S. Kokane
22. Mr. S. Taishettye
23. Mr. A. Y. Joshi
24. Mr. S. R. Keny

2. Shri M. S. Naik and 23 Ors have filed a Statement of Claim at Exhibit-6. They contended that they are workmen and M/s. Ardeshir B. Cursetjee and Sons Ltd., Mumbai is the company. The workmen are registered dock workers under the Bombay Dock workers (Regulation of Employment) scheme 1956. They were allotted to the company.

3. In the year 1992 Special Voluntary Retirement Scheme/Voluntary Retirement Scheme (herein after referred as VRS) was introduced for port and dock workers. They were expected to fill up the forms

and register their name with dock labour board and the company before 30-1-92. The concerned workmen submitted such forms. They were not informed what happened to it. But on 31-3-92 suddenly they were informed that their VRS are accepted with immediate effect.

4. The workmen contended that when the scheme was made applicable, they were not paid their legal dues currently. It is averred that they are entitled to encashment of Privileged Leave up to 120 days. Under the VRS only 30 days encashment of Privileged leave is allowed. They were in service up to 31-3-92. It is therefore till that date they were entitled to encashment of leave up to 120 days which was not given to them which is illegal.

5. The workman given up the claim in respect of the uniform allowance as the same is paid to them.

6. The workman pleaded that in the year 1974 the unions demand of additional two increments normally to two annual increments permanently was accepted. The company started in giving it by terminology as special increments/fitment/personal pay. But the General Manager of the company in his letter to Bombay Dock Labour Board dtd. 27-3-92 certified special pay/personal pay constitute as part of basic pay. This part of pay was treated as basic pay by the company for Provident Fund and for payment of gratuity. It is averred that the word ‘emoluments’ used in VRS includes fitment/special pay that is fitment/personal pay. But the company did not include this part of the pay while making the payment under the VRS which is illegal. The workmen are entitled to that amount.

7. The workman prayed that under such circumstances the company may be directed to make the payment on the above said heads with other reliefs.

8. The Mumbai Port Trust resisted the claim by the written statement (Exhibit 8). It is averred that the workmen are supervisory staff of M/s. ABC and Sons Ltd. which category was brought under the purview of the scheme as a result of amendment in the scheme, and come to be registered with erstwhile BDLB on 1-6-81. Even after the registration they continued to remain on the monthly register of M/s. ABC and Co. It is averred that for all payment purposes the company is responsible and BDLB was only custodian of Provident Fund and Gratuity.

9. It is submitted that these workmen offered this for VRS. They passed due receipts certifying that all payments received and nothing is due, even then they have raised this dispute. It is pleaded that all payments are made as per the VRS scheme and nothing remained to be paid to the workman. The MBPT by its letter dtd. 20-3-93 clarified that personal fitment will not be included as the basic pay for the computing of amount under VRS.

10. The MBPT pleaded that it or BDLB are not responsible for any payment of these workmen as they are the workmen of ABC for all payment purposes. It is submitted that as the workmen are already paid under the VRS they are not entitled to any relief.

11. The company resisted the claim by written statement (Exhibit 9). Later on by amendment the written statement, it pleaded that the persons appearing at serial Nos. 1 to 5, 11, 12, 14, to 16, 18 & 22 to the order of reference are not workman within the meaning of section 2(s) of the Industrial Disputes Act. It is therefore the reference is not maintainable. It is pleaded that all dues are already paid to these persons and nothing remained to be paid on the basis of VRS. It is denied that these persons were relieved abruptly. It is averred that VRS is a contract and one has to abide by it once it is accepted. Infact the company had taken more or less the same contentions which is taken by MBPT and BDLB in their written statement (Exhibit-8). It is prayed that under such circumstances the reference may be answered in company's favour.

12. The workman filed a rejoinder at Exhibit-10 (i) & (ii) and reiterated their contention taken in the statement of claim. It denied the contentions of MBPT and the company. It is pleaded that looking to their nature of work they are workmen under the Industrial Disputes Act. They prayed for the reliefs claimed by them.

13. The issues are framed at Exhibit-14. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether it is proved by the workmen that they are entitled to additional privileged leave encashment as claimed?	No.
1A. Whether the names of the persons at serial Nos. 1 to 5, 11, 12, 14, to 16, 18 & 22 in the annexure to the order of the reference are workmen?	Yes.
1B. If not, whether the reference is maintainable in respect of them	Does not survive.
2. Whether it is proved by the workmen that they are entitled to uniform allowance as claimed?	Does not survive as complied.
3. Whether it is proved by the workmen that they are entitled to non-including fitment personal pay in the basic as claimed by them?	Yes.
4. Whether the action of the management of ABC & Sons Ltd. in refusing to pay the legal dues as additional privileged leave encashment; uniform allowance and not including fitment personal pay in basic of the workmen is justified?	As per order.
5. If not, what relief the workmen are entitled to?	As per order.

REASONS

14. To bolster up the case Mr. Naik (Ex-13 & 23) examined for all the workmen and relied upon the documents produced at Exhibit-11 & 12. As against

that Capt. V. B. Vibhute (Exhibit-26) examined for the company and relied upon the documents at Exhibit-12, 16 & 22. So far as MBPT or BDLB is concerned by pursis (Ex-28) stated that they do not want to lead any oral evidence in the matter.

15. Naik (Exhibit-13 & 23) deposed that the workmen referred at serial Nos. 1 to 5, 11, 12, 14 to 16, 18 & 22 are cargo supervisors. They look after the movements of import and export of cargos and do not supervise the work of any person employed for handling of the cargos. He assumed that they worked under dock superintendent and had no independent powers or authority. He further clarified that Assistant Cargo supervisors and dock clerks perform as per the instructions of the company and do not work under the workmen. They work under the superintendent. There is no cross-examination of this witness on these points. It goes unchallenged.

16. Capt. Vibhute (Ex-26) Senior Executive of the company deposed "that cargo supervisors/supervisors principal duty is overall incharge of the cargo loading and discharging operations, ensuring proper attendance of various workmen allotted to that shift to work under him, receiving cargo, verifying relevant documents, giving carting instructions and verifying the various documents filed in by the Assistant Supervisor. The cargo supervisor also receives the cargo plans and discusses the same with the Chief Officer/captain and thereafter gives direction to the Foreman and overseas the entire operation is carried out as per the cargo plans. The Cargo supervisor also supervises the shifting of shore cranes whose requirement he discussed with the shed superintendent. The cargo supervisor/supervisors plans work for the next shift and orders the gangs accordingly. He also directs tally clerk and ensures that the tally sheets are properly filled in. He also clarifies the tally reports and signs the same. The tally report is filled in by the Assistant Supervisor. The cargo supervisor also directs the Dock clerk to fill up the mate receipt, cargo manifest etc. The Cargo Supervisor after completion of the entire process of loading/discharging the cargo verifies that final report.

17. Capt. Vibhute had referred to documents signed by one Mr. Rane which are produced alongwith (Exhibit-22/1 to 4). They are produced alongwith the affidavit of Capt. Vibhute. But Rane is not examined. Vibhute affirms that they are true copies of the documents of the company. Vibhute had not personally seen what work these workmen did because he joined the company in January '94. It has relevancy because there is no duty list for supervisors. As this is so and as such testimony of Naik had gone unchallenged so far as their work is concerned, they do not fall in the category of supervisor.

18. Admittedly these workmen are registered dock workers as per clause-16 of the scheme 1987 as deposed by Vibhute. This is an acknowledgement by the scheme that this category is to be treated as the workman.

19. Capt. Vibhute in his Examination-in-Chief which I have given above in detail deposed to bring on record that nature of work done by these persons is of a supervisory nature. Admittedly their salary is more than Rs. 1600 per month. It is argued therefore they

are not the workman within the meaning of section 2(s) of the Industrial Disputes Act. But this theory is shattered in his cross examination. He accepts that all these persons come to the booking office and the officer there marking their presence tells them to go to a particular spot to do the work. These persons came to the booking office for getting the work allotment. He accepts that the cargo supervisors do not allot the work to the Assistant supervisors or dock clerks. Infact it appears that the duties narrated by Vibhute are carried out by the Chief Officer of the ship and the execution is carried out by the forum. It is therefore the documents produced alongwith (Exhibit-22) which bears signature of Mr. Rane having designation of cargo supervisor at one stage and only supervisor at a later stage do not support the case that they fall in the category of supervisor. These documents do not establish that the cargo supervisor supervises the work of office assistant or dock clerks but infact they work under the dock superintendent. He accept the position that there is no need to instruct the dock clerks by the cargo supervisors. Taking into consideration over all evidence I find that the nature of work which is carried out by these persons even though their name is cargo supervisors is not of supervisory nature.

20. The Learned advocate for the company in her written argument placed reliance on Reserve Bank of India Employees Association Vs RBI AIR 1966 SC 305, Burma Shell Oil shortage and distributing company Vs. Management staff association AIR 1971 SC 922 and S. K. Mani Vs. Carona Shoes AIR 1994 Supreme Court 1924. Their Lordships had given the guide lines for coming to the conclusion when and how a particular individual is said to be workman or a supervisory cadre looking to his nature of work. After going through those authorities for the above said discussion which I have narrated above I find that the duties performed by these persons referred in the reference is that of workman and not that of supervisory nature. They are workmen within the meaning of section 2(s) of the Industrial Disputes Act. The dispute which is raised by them in respect of their service conditions is with the company who is admittedly responsible for its payment. It is not in dispute that the company had paid their dues under the VRS. As this is so the reference is maintainable

21. On 3-1-92 a circular was circulated informing the special voluntary retirement scheme and VRS. Scheme 'A' was governed by the CPF and scheme 'B' was governed by pensionopt for pension. Under scheme 'A' clause -IV deals with cash equivalent to accumulated earned leave to maximum of 31 days. Naik (Exhibit-13) affirms that the workmen are entitled to accumulated Privileged Leave up to 120 days. He affirmed that all these workmen were having more than 30 days E.L. to their credit at the time of VRS. He further submitted that these workmen filed applications with the company for getting the leave before their VRS were accepted. The office copy of the leave applications are at Exhibit-25. He affirmed that the company gave acknowledgement to these workmen but so far as others are concerned they are not given. Admittedly there are 14 workers who have opted for scheme 'A'. Exhibit-11/1 are the different circulars in

respect of leave facilities Page. 4 deals with encashment of Earned Leave. This decision was taken in presence of discussions held with the Federations of Port and Dock workers. Clause-II states that encashment will be allowed only once a year. It will be limited to 50% of the leave standing on the credit of the employee/workman and will be subject to an employee/workman simultaneously availing himself of seven days leave. The leave account will be debited by the total of leave on cash and availed. So far as this circular is concerned Capt. Vibhute has not deposed anything. There is a reference of maximum 120 days leave encashment.

22. The case which is tried to be made out by Naik & Ors. is that till 31st March '82 they were in the employment of the company and they are entitled to encashment of leave till then. The case which is tried to be made out by the company is that under the VRS they are entitled to 30 days encashment as they opted for CPF. After perusal of the scheme which is on the record obviously on acceptance of the VRS all these workmen they will be entitled to thirty days privileged leave encashment and nothing more than that.

23. But I repeat that the case which is tried to be made out by Naik & Ors that till their acceptance of VRS they were in service. The service contemplates of encashment of leave to the maximum of 120 days as per the rules which I have quoted above. After perusal of these leave applications on the report it reveals that Naik had given application on 24th March and other workmen had given them on 28, 29, & 31st March also. There is no mention that they are availing of 7 days P.L. from a particular period. After perusal of the rules which I have quoted above they have to avail the leave of 7 days and all the remaining leave they are entitled to 50% encashment. They did not avail the leave because in their application itself they did not mention exactly of the days they want to avail. Therefore there is no compliance as per rules. Obviously they are not entitled to encashment of leave as they claimed.

24. Naik affirmed that they were given two special increments from 1974 as per agreement between the Bombay Stevedores Association Ltd. and the Transport and Dock workers Union, Mumbai. These two increments were in addition to regular annual increments of the workman. This amount was paid to each workmen after 1974 by the company till their retirement under the VRS. The payment of these two special increments is not in dispute.

25. The scheme refers to payment of special compensation of particular number of months emoluments. The term emoluments was defined as it includes basic pay and all elements of Dearness Allowances only and will not include premium/piece rate and other incentives. The case which is tried to be made out by the company that these two special increments is not monthly emoluments and therefore the compensation cannot be paid on its basis.

26. Naik affirmed that the General Manager of the company in his letter to Assistant Administrative Officer, BDLB Dtd. 27-3-92 had referred in para-

5. Md. Giasuddin Shaik; Sweeper working in Samudragarh D.M. Station from 1979.

2. Calcutta Port Trust Worker's Union (in short the union) has raised this industrial dispute for not absorbing the five workmen as mentioned in the schedule in the service of the Calcutta Port Trust (in short CPT).

3. Union's case, in short, is that in order to provide facilities to the whole time staffs posted in four outstations, namely, Saugar Station, Frashargunj Station, Roychowk Station and Dadanpatra Station under the CPT, the management of CPT sanctioned a nominal monthly allowance for engagement of four Cooks and from time to time increased their monthly allowance with the sanction of the Board of Trustees. In the same way to arrange for sweeping at Samundragarh D.M. Station the management engaged a full time sweeper on a nominal monthly rate of allowance. The monthly allowance of those four Cooks were paid through the Station Incharges of these four outstations as servants' allowance. For Samundragarh Station monthly allowance of Rs. 250 used to be paid by the Scientific Officer of the station for sweeping and cleaning the said station. Senior Technical Assistants are posted on rotational duties in those four outstations, but since appointment of new Cook was not possible for every change of the Station Incharges those four Cooks are rendering service for years together continuously. The outstations where those Cooks and Sweeper are provided are located in the isolated places in the sea shore. It is alleged that their works are of permanent nature and the monthly allowance paid to them should be regarded as pay as these are paid for years together regularly and there is approval of the Board of Trustees in the matter of their employment and also that they are rendering office duty and not personal service. The union accordingly prayed for their absorption in the service of the CPT.

4. Management of the CPT in its written statement denied that there is any employer—employee relationship between the management and the concerned workmen. Their principal case is that for the purpose of the study of the navigability of the channel maintained by the CPT for the purpose of movement of ships from the Bay of Bengal to Calcutta Port, a number of temporary outstations under the Hydraulic Department were established. These outstations requires closing/shifting from time to time according to requirements, nature of study and the shoal of the river-bed. Such four temporary outstations are Saugar, Freshargunj, Roychowk and Dadanpatra. There was a temporary outstation at Samundragarh which was subsequently abandoned. Such temporary outstations are functionally placed under the control of the Station Incharge and normally two employees of the CPT including the Station Incharge stay at the outstation on rotation. To compensate the inconvenience of such employees who are posted on rotational duty, special allowance, such as, cook allowance and sweeper allowance are granted for each station and the Station Incharge draws such allowance. The concerned workmen accordingly were engaged for duties in the outstations by the concerned Station Incharge or the employees of the CPT as their personal servant. It is

alleged that these persons were never under the control of the Chief Hydraulic Engineer, nor are they employees of the CPT. It is also alleged that engagement of these persons by the respective Station Incharge or the employees of the outstation cannot be termed as employment of industrial workers and they are not accordingly 'workman' under the Industrial Disputes Act, 1947. The management has alleged that that appointments under the CPT are made in consonance with the procedure laid down in the Calcutta Port Trust Employees (other than Haldia Dock Complex) (Recruitment, Seniority and Promotion) Regulations, 1985. These regulations have provided for procedure for appointment in Class-IV posts. Such procedure is to be complied with before any appointment to any post. Management accordingly prayed for dismissal of the union's case.

5. The union in its rejoinder denied the allegation that the concerned workmen are personal servants of the Station Incharge/employees of the CPT. It is also alleged that the four Cooks employed in the different outstations having been employed for service to the office staffs on the pay sanctioned by the management, deserves the right to be treated as employees of the management and not of the Station Incharge in particular. It is also alleged that the Chief Hydraulic Engineer, CPT who initiated such arrangement in the outstations with the sanction of the Board of Trustees are the employers of these four Cooks and one Sweeper and they accordingly come under the purview of the Industrial Disputes Act, 1947. Reference was also made to an Award of this Tribunal in Reference No. 31 of 1982 in the matter of absorption of one Ramkrishna Jana, Night Guard of Dadanpatra Station under the Chief Hydraulic Engineer as regular employee. It is also alleged that the management with a view to avoid responsibility of engaging the concerned workman as regular workman has taken refuse to such subterfuge of describing their service under the CPT as personal service to the Station Incharge.

6. Two witnesses were examined by the union and none by the management.

7. Heard Mr. Bhattacharjee and Mr. G. Mukharjee representative of the union and the management respectively.

8. There is no dispute about the facts of this case. Admittedly, these five concerned workmen were posted in different outstations of the CPT and they are working their for sufficiently long time. It is not also denied that they are getting their allowance from the respective Station Incharge of those outstations.

9. Out of the five concerned workmen, only Badal Chandra Das, who was posted at Saugar Station from 1976 and Giasuddin Shaik, who was posted as a Sweeper from 1979 at Dadanpatra Station were examined. From the evidence of MW-1, Badal Chandra Das it will appear that by the oral order of one Arup Sengupta who was Station Incharge he was employed as a Cook. WW. 2, Giasuddin Shaik also in his evidence stated that Senior Scientific Officer and Scientific Assistant attached to the Station engaged him for work as a Sweeper. There being no evidence regarding the manner of appointment of the remaining three concerned workmen, it

can be presumed that they also were appointed in the same manner by their Station Incharge as stated by the management.

10. There is no denial in this case that these workmen are rendering service more less continuously for a long length of time. The question is whether such long service shall render them eligible for absorption in their respective services.

11. My attention was drawn to an Award of this Tribunal in Reference No. 31 of 1982 where one Ramkrishna Jana, who was similarly situated as the concerned workman of this case, was directed to be absorbed in the service considering the length of service he has put in. Mr. Bhattacharjee lays great stress upon this Award and submitted that since this Tribunal had held that similarly placed persons are entitled to relief of absorption that the concerned workman should get such relief. I am not in a position to agree with this contention of Mr. Bhattacharjee. No finding of this Tribunal can be cited as precedence binding this Tribunal. That being so, it is necessary to examine the case independently.

12. Before proceeding to discuss the position of law in this matter, it is necessary to examine the exact nature of relationship between the concerned workmen with the management. I have shown that these workmen have been appointed by the respective Station Incharge of the outstations or employees posted at those outstations. It is an admitted fact that there is no posting of Cook or Sweeper in these outstations. It is also not denied that the Station Incharges of those outstations are paid Cook Allowance and other allowances for the purpose of payment to the Cooks. It is also admitted that the Cooks are paid from such allowance paid to the Station Incharges. Such appointments, by their very nature, cannot be said appointments by the management. These are merely local arrangements for rendering services to the staffs of the CPT as Cook or Sweeper. These Cooks/Sweepers who were doing their jobs at the will of the Station Incharge, might be directed to quit the service at any point of time. Simply because that was not done and they had been allowed to continue for long time as admittedly it was difficult to find out Cooks or Sweeper on each change of the officer at the outstations that cannot be said to have changed their position from the servant under the Station Incharge to that of the employees of the CPT. In this connection I am to point that under Regulation 3(e) of the Calcutta Port Trust Employees' (other than Haldia Dock Complex) (Recruitment, Seniority and Promotion) Regulations, 1985. The posts claimed by the union as Cook or Sweeper are Class-IV posts. From Regulation 5(b) of the said Regulations it will appear that the Heads of the Department shall be the appointing authority in respect of these posts. Admittedly the Chief Hydraulic Engineer was the Head of the Department in respect of these outstations. The Station Incharges/employees of the CPT who engaged them had no right to appoint any employee on behalf of the management and accordingly no question of their working under the Management of the CPT can arise. I am accordingly to hold that the concerned workmen have failed to prove the alleged relationship of employer-employee between the management with them. Their position being

nothing greater than the personal servant, they cannot be said to be a workman under section 2(s) of the Industrial Disputes Act, 1947.

13. In this connection I may refer to the case of the Hon'ble Calcutta High Court in the case of Sarana Das & Ors. v. Suptd., Durgapur Sub-Divisional Hospital, reported in 1997 (75) FLR 945. It was held in that case that "It is also now well known that a mere prolonged or continuous service does not ripen into a regular service to claim permanent or substantive status. Reference in this connection may be made to the case of State of Orissa v. Pran Mohan Misra. These aspects of the matter have been considered by this court in various decisions, some of which are reported in 1995(2) CLJ 225, CWN 440, 1995(7) SLR 140, 1996 Labour & Industrial Cases 28 and 1995 Labour and Industrial cases 1853. The Supreme Court has also clearly held that in absence of a provision for relaxation in the recruitment rules, nobody can be appointed by way of regularisation or otherwise. Reference in this connection may be made to 1994(2) SCC 630". My attention was also drawn to the case of Ashwani Kumar v. State of Bihar, reported in 1997 Lab. I.C. 578 where the Hon'ble Supreme Court has held "that question of regularisation in any service including any Government service may arise in two contingencies. Firstly, if on any available clear vacancies which are of a long duration appointments are made on ad hoc basis or daily wage basis by a competent authority and are continued from time to time and if it is found that the concerned incumbents have continued to be employed for a long period of time with or without any artificial breaks, and their services are otherwise required by the institution which employ them, a time may come in the service career of such employees who are continued on ad hoc basis for a given substantial length of time to regularise them so that the concerned employees can give their best by being assured security of tenure. But this would require one pre-condition that the initial entry of such an employee must be made against an available sanctioned vacancy by following the rules and regulations governing such entry. The second type of situation in which the question of regularisation may arise would be when the initial entry of the employee against an available vacancy is found to have suffered from some flaw in the procedural exercise though the person appointing is competent to affect such initial recruitment and has otherwise followed due procedure for such recruitment. A need may then arise in the light of the exigency of administrative requirement for waiving such irregularity in the initial appointment by competent authority and the irregular initial appointment may be regularised and security of tenure may be made available to the concerned incumbent. But even in such a case the initial entry must not be found to be totally illegal or in blatant disregard of all the established rules and regulations governing such recruitment. In any case back door entries for filling up such vacancies have got to be strictly avoided."

14. I have thus considered the position of law in respect of the concerned employees upon due consideration of the evidence in the matter. Since I find that the union has absolutely failed to prove its

case, the management's action in not absorbing the concerned workmen in its service cannot be challenged on any ground and it must be held to be justified. The workmen accordingly shall not be entitled to any relief in this case.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer.

Calcutta,

Dated, the 20th May, 1999.

नई दिल्ली 3 जून, 1999

का.आ. 1850.—औद्योगिक विवाद अधिनियम, (1948 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जवाहर लाल नेहरू पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल-31012/1/92-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1850.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Central Government Industrial Tribunal, No. I, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jawaharlal Nehru Port Trust and their workman, which was received by the Central Government on 3-6-99.

[No. L-31012/1/92-JR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,

MUMBAI

PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer

REFERENCE NO. CGIT-30 OF 1993

PARTIES :

Employers in relation to the management of
Jawaharlal Nehru Port Trust

And

Their workmen.

APPEARANCES :

For the Management : Shri L. D'Souza,
Advocate.

For the Workman : Shri Jaiprakash Sawant,
Advocate.

STATE : Maharashtra.

Mumbai, dated the 21st day of April, 1999

AWARD

The Central Government has referred the following dispute by its order dated 22-6-1993 for adjudication by this Tribunal :

"Whether the action of the management of Jawaharlal Nehru Port Trust in not paying ex-gratia in lieu of bonus to their workmen from 1982-83 to 1986-87 and productivity linked bonus from 1987-88 onwards is legal and justified ? If not, to what relief the workmen are entitled to ?"

Shri Jaiprakash Sawant, Advocate for the workmen filed an application stating that the workmen represented by Nhava Sheva Port and General Workers' Union does not press for adjudication of the dispute covered in the reference. So he prays to dispose off the reference as not pressed.

Hence, a 'no dispute' award is made. The matter is disposed off as above.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 3 जून, 1999

का.या. 1851.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-I, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल. 31012/38/92-आई.आर. (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1851.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. I, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 3-6-99.

[No. L-31012/38/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1,

MUMBAI

PRESENT :

Shri Justice, C. V. GOVARDHAN, Presiding Officer

REFERENCE NO. CGIT-19 OF 1993

PARTIES :

Employers in relation to the management of
Bombay Port Trust.

And

Their Workmen.

APPEARANCES

For the Management Shri. Umesh Nabar,
Advocate.

For the Workman : Shri V. P. Vaidya, Advocate.

STATE : Maharashtra.

Mumbai, dated the 19th day of May 1999 .

AWARD

1. The Central Government has referred the following dispute between the BPT and their workmen for adjudication by this Tribunal.

"Whether the action of the management of Bombay Port Trust, Bombay in terminating the services of Shri Sadashiv K. Kadam, Sorter w.e.f. 4-3-91 is just, proper and legal ? If not, to what relief is the workman entitled to ?"

2. The averments in the claim statement are as follows :—The workman Mr. S. K. Kadam, Sorter, Docks Deptt. of BPT was placed under suspension by the management pending Criminal investigation. The Criminal trial ended in acquittal of the workman. The workman was not allowed to resume duty and it was by way of victimisation. The domestic enquiry held against the workman was not fair and proper. The charge sheet is vague. The charge sheet does not say that any one has seen the workman at 9, 'Indira Dock on the particular date. The action of the management in conducting the enquiry is not fair. There was no legal evidence to prove any charge against the workman. The Enquiry Officer in his findings has held the workman guilty of the charges. The workman informed the Disciplinary authority that the findings of the Enquiry Officer is perverse and erroneous. The Disciplinary Authority without applying any mind relied on the perverse findings of the Enquiry Officer and has passed the impugned order dated 4-3-91 imposing the penalty of removal from service. The appeal preferred by the workman to the charge was rejected without assigning any valid reason. The removal of the workman from service is illegal and hence the workman prays that the said order may be set aside and he may be reinstated with back wages and other benefits.

3. In the written statement the employer contends as follows :

Mr. S. K. Kadam who joined as a Messenger Gr-II was promoted as a Sorter and he has put in about 19 years of service with the employer. Mr. Harite and Mr. Dalvi two other employees of the Docks dept. was involved in a case of unauthorised removal of 21 drums of Glycerine approximately valued at Rs. 2.60 lacs from the custody of the BPT on 10th November, 1984 under the pretext of warehousing. They had conspired to steal 21 drums from the custody of the employer. The workman was present at No. 9, Indira Dock when the lorry loaded was escorted by the workman. The lorry was intercepted at the Yellow Gate of B.P.T.; but the workman absconded. All the three employees including the workman were arrested by the Yellow Gate Police and a case under C.R. No. 220/84 under Section 379 and 114 of the Indian Penal Code was registered against the workman. They were also suspended. A charge sheet dated 5-8-86 was issued to the workman. The workman replied to the charge sheet. An enquiry was held for the misconduct of failure to maintain absolute integrity and devotion to duty, in violation of regulation 3(1) of the BPT Employees Conduct Regulations. In the departmental enquiry the employer examined 15 witnesses in support of the charge against the workman. An enquiry was conducted in accordance with principles of natural justice. The Enquiry Officer submitted his report and findings holding that the charges against the workman has been proved. A show cause memo was issued on 23-11-90. A copy of the report and findings of the Enquiry Officer were also made available to the workman alongwith the show cause notice. The workman gave a reply. The employer considered the entire record and the workman's representation and had passed the order dated 4-3-91. The workman preferred an appeal dated 29-4-91 to the Chairman of the BPT. It was dismissed on 12-11-91. The workman has now raised an Industrial Dispute. The acquittal of the workman in the Criminal case does not entitle him for reinstatement with back wages. The application is therefore, liable to be dismissed.

4. The point for consideration is whether the workman is entitled to an order of reinstatement with back wages and other benefits for the reasons stated by him in the claim statement.

The Point :

The employer BPT has filed a charge sheet against the workman under Regulation 3(1) of the BPT Employees' Conduct Regulations by stating that he had committed a misconduct of failure to maintain absolute integrity and devotion to duty by conspiring with two other employees Mr. Harite and Mr. Dalvi in unauthorisedly removing 21 drums of glycerine valued at Rs. 2.60 lakhs on 10th November, 1984 from the custody of the BPT. It is the case of the management that the workman was also present at No. 9, Indira Dock when the lorry was loaded with 21 drums of glycerine and he escorted it upto the gate and it was intercepted at the yellow gate by the other BPT staff. According to the management the yellow gate police station has registered a case in Cr. No. 220/84 under section 379 and 114 of the

Indian Penal Code on the said occurrence and the workman was prosecuted alongwith two others before the Criminal Court. It is also the case of the management that the workman and two others were suspended on 10th November, 1994 itself and an enquiry was ordered in which the Enquiry Officer has examined 15 witnesses and has given a finding that the charges against the workman has been proved. The pendency of the criminal case and holding an enquiry against him by the department is not disputed by the workman. On the other hand the workman contended that in the criminal case the learned magistrate has acquitted all the three accused and the management has failed to take note of the same and the management has relied upon the findings of the Enquiry Officer that the charge against the workman has been proved and has imposed the penalty of dismissal on the workman. There was a criminal prosecution on the same occurrence in which the workman was acquitted by competent magistrate is not in dispute. Whether the workman is entitled to an order of reinstatement in view of the acquittal in the Criminal Court is a question to be considered. In the decision reported in 1997 (2) Supreme Court cases 361 between Govind Das Vs. State of Bihar and others it is held as follows :

"The acquittal of the appellant in the criminal proceedings is based on the view that the charges were not proved beyond reasonable doubt. Since the standard of proof required to prove charge of misconduct in departmental proceedings is not the same as that required to prove a criminal charge, the acquittal of the appellant in the criminal case could not be made the basis for setting aside the order for termination of the services of the appellant passed in the disciplinary proceedings on the basis of evidence adduced in the departmental enquiry conducted in the charges levelled against the appellant".

Therefore, the contention of the workman that inspite of the by the competent Criminal Court an enquiry was held against him and he was imposed penalty of dismissal from service by the management and on that ground he is entitled for an order of reinstatement with back wages and other benefits cannot be accepted.

5. The learned Counsel appearing for the workman would argue that it is the case of the management that the workman was present in No. 9, Indira Dock when the lorry was loaded and mere presence is not sufficient to attract the charge of failure to maintain absolute integrity and devotion to duty. According to the learned counsel the workman was actually on leave and he had come to Indira Dock No. 9, only to borrow money from Mr. Harite and he was not actually on duty and therefore, the charge that he has failed to maintain absolute, integrity and devotion to duty cannot be sustained. The very argument of the learned Counsel appearing for the workman would show that the workman does not dispute his presence on 10th November, 1984 at the relevant time at No. 9, Indira Dock, inspite of he being on sanctioned leave, but the workman in his affidavit has disputed his presence at No. 9,

Indira Dock. He has stated he was not present at the Dock at the relevant time and he came to know about the incident on 10-11-1984 when he returned from his native place and he has been falsely implicated by Mr. Harite for no reasons. The workman in his affidavit has stated that when he enquired Mr. Harite as to why he has implicated him when he was not at all concerned in the said incident, Mr. Harite informed him that as he was on sanctioned leave he wanted to utilise the said situation in his favour in the Court to escape from the allegation levelled against him and hence he had falsely implicated him.

During cross-examination he has stated that whatever recorded in his affidavit is correct. The affidavit of the workman thus discloses that he enquired Mr. Harite, Co-worker who was also suspended and faced domestic enquiry as well as the criminal prosecution and Mr. Harite informed him that he had implicated him to utilise the situation that the worker was on leave in his favour in the Court from the allegation levelled against him. Mr. Harite was also examined before this tribunal by the worker as his witness. In his evidence Mr. Harite has stated that he knew the workman Mr. Kadam, that he was not working on 10-11-1984 and that Mr. Sadashiv Kadam was not concerned to the incident which took place on 10-11-84. He would add that he had informed the police that on Mr. Kadam was involved in the incident dt. 10-11-84 but he had informed them that it was Mr. Sadashiv Kadam the workman herein. He stressed on the fact that whatever happened on 10-11-84, the workman Mr. Kadam was not involved in it. In the Chief-examination itself Mr. Harite has stated that the workman herein was not Mr. Kadam whom he had implicated in the Criminal case; but as I have already observed, the evidence of the worker Mr. Kadam is to the effect that he enquired Harite as to why he implicated him when he was not involved in any incident on 10-11-84, Mr. Harite has informed him that since he was on leave he had used his name in order to take advantage of the same in the Criminal proceedings against him. During cross-examination Mr. Harite has stated that there is one other Kadam in BPT and that he knows the workman Sadashiv Kadam by face. He pleads ignorance as to whether the workman was arrested but he would contend that this workman was prosecuted alongwith him in the criminal case. Admittedly by Mr. Harite, he has stated during cross-examination that the person involved in the incident is not this workman Sadashiv Kadam. When there was a Joint disciplinary enquiry and a criminal prosecution in which Mr. Harite as well as the workman Sadashiv Kadam were parties Mr. Harite deposed before this tribunal that Mr. Kadam referred by him to the Vigilance Officer is not the workman herein while the workman herein deposes that he made enquiry with Mr. Harite and Harite informed him that he had used his name in order to take advantage of the sanctioned leave availed by this workman on the relevant date. The contradictory evidence between the workman herein and Mr. Harite only goes to show that the workman wants to establish that he has nothing to do with the incident by some way or other. The Enquiry Officer before whom as many as 15 witnesses were examined has given a finding

that the charge against the workman herein has been proved. The Disciplinary Authority who had issued a show cause notice was not satisfied with the explanation given by the workman herein. Therefore, he had passed the impugned order of dismissal. The workman herein has preferred an appeal to the Chairman and the Chairman of BPT has also dismissed the appeal preferred by the workman. These facts are not in dispute. In the decision reported in 1997 (II) Supreme Cases page 708 between Govt. of Tamil Nadu Vs. Velraj, the Supreme Court has held that the findings of guilty recorded by the Enquiry Officer and confirmed by the appellate authority was based on evidence led during enquiry and was not even suggested to be perverse and therefore, it was not open to the tribunal to record contrary findings and to hold that the charge was not proved". The Supreme Court has held as follows : "The Advocate for the appellant was also right in his criticism that the tribunal transgressed its jurisdiction in examining the evidence as if it was an appellate authority. The law on this point is also now well-settled. The tribunal obviously committed a mistake in re-examining the evidence and holding that it did not deserve to be accepted because of the inconsistencies therein. The Tribunal, was not holding a Criminal trial and therefore, ought not to have exonerated the respondent by holding that it was not proved "beyond all doubts". The finding recorded by the Enquiry Officer and confirmed by the appellate authority were passed on the evidence led during the enquiry and it was not even contended that the said findings were perverse. It was therefore, not open to the tribunal to record contrary findings and hold that the charge against the respondents was not proved". In our case in the written statement it is no doubt pleaded that the findings of the Enquiry Officer is perverse. The said finding has been given by the Enquiry Officer, considering the evidence placed before him. The said findings has been accepted by the Disciplinary Authority as well as the Appellate Authority. The evidence placed before this Tribunal by the workman particularly the workman and Mr. Harite gives room to hold that the workman has made every attempt to establish that he has nothing to do with this incidence and his efforts have been defeated by the evidence of Mr. Harite when he has stated before this tribunal that Mr. Kadam mentioned by him to the Vigilance Officer is not the workman herein. In the above circumstances when we consider the question whether the workman is entitled to any relief in the light of the decision of the Supreme Court referred above in 1977 (II) Supreme Court page 708 we have to come to the conclusion that the workman is not entitled to any relief for the reasons stated by him in the claim statement and an award has to be passed dismissing the reference.

In the result, an Award is passed dismissing the reference and holding that the termination of the service of Mr. S. K. Kadam w.e.f. 04-3-91 is just, proper and legal and the workman is not entitled to any relief.

An award is passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 3 जून, 1999

का.आ. 1852.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट, के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-1, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल.-31012/3/94-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1852.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 1, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workman, which was received by the Central Government on 3-6-99.

[No. L-31012/3/94-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT :

Shri Justice C. V. Govardhan, Presiding Officer.

Reference No. CGIT-7 of 1995

PARTIES :

Employers in relation to the management of Bombay Port Trust.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri Umesh Nabar, Advocate.

For the Workman : Shri Jaiprakash Sawant.

State : Maharashtra.

Bombay, dated the 21st day of May, 1999

AWARD

1. The Central Government by its order dated 13th February, 1995 has referred the following dispute between the Management of Bombay Port Trust and their workmen for adjudication by this Tribunal :

"Whether the action of the management of Bombay Port Trust in terminating the services of Sri Ramchandra Pandurang Gauikar, Mazdoor, Cranes and Dock Machinery Establishment, Indira Dock of Bombay Port Trust with effect from 04-9-1990 is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman in his claim statement contends briefly as follows :

The workman was compelled to remain away from his duties on some occasions on account of certain difficulties and circumstances that were beyond his control. He has informed the reason for his absence from time to time. The management instituted disciplinary proceedings against him on the basis of Rules and Regulations for the nonscheduled staff and imposed the penalty of removal from service w.e.f. 4th September, 1990, on the basis of the findings of the Enquiry Officer. The workman was a member of Scheduled Staff. His representations were not considered. The penalty

imposed upon him is severe and disproportionate to the gravity of the alleged misconduct. Hence the dispute.

3. The employer in their written statement contends as follows:

The workman was a Mazdoor in Cranes and Dock Machinery Section, Indira Dock of the employer. He was extremely irregular in his attendance and he was habitually remaining absent from duties without permission in spite of repeated memos and cautions given to the workman. He has not shown any improvement in his attendance. He was absent during 1-10-83 to 30-9-85 unauthorisedly. Following due procedure, increment of the workman was withheld for a period of one year. In spite of it he has remained absent unauthorisedly from 16-1-86 to 12-2-88 for 237 days. A charge memo was issued informing the workman that an enquiry will be held against him and requiring him to admit his written statement of defence. The charge is under Sections 22(2)(c) and 22 (2)(s) of the Rules and Regulations of non-scheduled staff namely: (i) Habitual absence without leave or absence without leave for more than 10 days and Serious or repeated offence against the conduct and discipline Rules. The workman did not give any reply. A memo dated 28-9-88 was issued informing the workman that an enquiry will be held on 25-1-89 and Smt. N. P. Rane was appointed as the Enquiry Officer and a Presenting Officer was also appointed. In spite of acknowledging the said notice the workman preferred to remain absent for the enquiry dated 25-1-89. His absence was recorded and enquiry proceeded ex-parte. The Presenting Officer led evidence of the Time-keeper in support of the charges. The enquiry was concluded and the Enquiry Officer submitted the findings holding that the charges against the workman were proved. The workman was issued a show cause memo dated 30th March, 1989 as to why the proposed penalty of removal from service should not be imposed upon the workman in view of the finding of the Enquiry Officer and his past record. The workman submitted his reply and pleaded for mercy. He has stated that his family members were not well during the relevant period and requested for a lenient view being taken. The employer has imposed the punishment of removal of the workman from service by a letter dated 3-9-90. The workman preferred an appeal. He prayed for modification of the order and requested for permitting him to continue in service. The appeal was considered by the Chairman and it was dismissed on 27-1-92. Therefore, the workman has raised this dispute. His contention that the penalty is disproportionate to the gravity of the misconduct is not correct and no interference is called for by this Tribunal since the enquiry was fair and proper. The workman was given sufficient opportunity. Application is therefore, liable to be dismissed.

My learned predecessor has framed the following issues:

- (i) Whether the proceedings against workman were unauthorised for the reasons given in para 3 of the Statement of Claim?
- (ii) Whether the penalty of removal was bad as the representation of the workman was not considered as alleged in para 4 of the written statement of claim?
- (iii) Whether the penalty of removal is disproportionate to the alleged misconduct?
- (iv) Relief.

Issue No. 1: Among the various contentions raised by him the workman has contended that he was a member of Scheduled staff and the management however, has instituted disciplinary proceedings against him on the basis of Rules and Regulations for Non-Scheduled Staff and therefore, the said proceedings is unauthorised. It is to be seen that the workman is only a Mazdoor in Cranes and Dock Machinery Establishment section of Indira Dock. The BPT employees (Classification, Control and Appeal) Regulations, 1976 has a schedule and Mazdoors are not shown as employees. Mazdoor is a Coolie or Labourer as per the Webster's Encyclopaedic Unabridged Dictionary, Revised edition. As such he does not come under the category of a Schedule Employee as detailed in the schedule to the BPT Regulations. Therefore,

holding an enquiry on the basis of Rules and Regulations for the Non-Scheduled Staff cannot be said to be an unauthorised one as contended by the workman in his claim statement. Issue No. 1 is therefore, answered accordingly.

Issue No. 2 and 3: The worker in his claim statement has stated that the Enquiry Officer has not considered his representation and the penalty imposed on him is very severe. But the workman has not even participated in the enquiry. The enquiry proceeded ex-parte. The Enquiry Officer has given a finding that the charge has been proved. To a show cause notice issued by the employer the workman has sent a reply on 5th May, 1989 for the first time pleading for mercy and a sympathetic consideration stating that on account of difficulties and circumstances beyond his control he remained absent. In the order passed by him, the Disciplinary Authority has observed that the worker has not brought out any new point for reconsidering the proposed penalty and he has not showed any improvement in his attendance and therefore he is confirming the proposed penalty of removal from service. In the appeal preferred by him to the Chairman also, the worker has stated that on account of certain difficulties and circumstances that were beyond his control he could not attend to his duties regularly in the past. The Chairman in his order has observed that the worker was cautioned and censured in the past for irregular attendance, his increments were also withheld for a period of one year, yet there was no improvement and even during the departmental enquiry proceedings and after the show cause memo indicating him the penalty of removal from service, the worker has not shown any improvement in his attendance and therefore, he is confirming the penalty imposed by the Competent Authority; namely the Superintending Engineer (Mechanical). It is not as if the Competent Authority and the Appellate Authority has not considered the representation given by him with regard to the penalty as alleged by him in his written statement.

4. The learned counsel appearing for the workman would argue that the unauthorised absence of the workman has been regularised and penalty of termination from service is a severe punishment in the case of the worker who admits his unauthorised absence on account of his illness and of his family members during the relevant period and therefore for invoking the provisions of Regulations 22(2)(c) the penalty imposed could have been held as a severe one by the Appellate Authority and the Appellate Authority could have reduced the penalty. The Administrative Officer who has been examined on behalf of the management has stated that the unauthorised absence of the worker has been regularised by the Section and his leave has been regularised by the Section Officer. The specific case of the worker is that on account of the fact that his family members were ill he had to remain absent and he has also produced medical certificate to prove the same and in those circumstances the penalty of termination from service is very severe. In his evidence he has stated that he had remained absent due to the sickness of his mother between 29-1-86 to 15-9-87 and his father expired in 1985 and he has submitted medical certificate of Dr. Morarkar. This evidence of the worker and the evidence of the management witness during cross-examination would show that the worker has unauthorisedly absented from the duty and on his production of medical certificate his leave has been regularised by the section concerned. In the decision reported in 1982 (III) SCC page 346 between Rama Kant Misra versus State of Uttar Pradesh and Others the Supreme Court has observed that the punishment must be proportionate to the misconduct and facts and circumstances of the case must justify dismissal. The facts and circumstances with regard to the unauthorised absence of the worker is shown to be due to the circumstances beyond the control since it was on account of the sickness of his mother, death of his father etc. His unauthorised leave has also been regularised by the section concerned, on his production of medical certificate. It is held in the decision reported in 1996 LAB I.C. page 359 between Virendra Singh vs. Managing Director, U.P. State Road Transport Corporation Lucknow and others that punishment of removal from service is grossly disproportionate to the gravity of the misconduct of unauthorised absence of an employee who produced medical certificate subsequently. Similarly, on the decision reported in 1996 Labour and Industrial cases page 490, between The Divisional Manager, I.C. of India vs. S. Rajan and others it has been held that "absence without leave is not a serious misconduct and harsh punishment of removal is uncalled for. The worker is entitled for reinstatement with continuity of

There is no relationship of employer and employee between the first party and the second party. It is not true to say that the second party joined the service of the Central Warehousing Corporation as a Driver w.e.f. 14-2-93. It is not true to say that his services were terminated w.e.f. 1-7-94. Mr. Mali, the second party was engaged as a Car Driver on contract basis on a consolidated payment of Rs. 1800 p.m. Appointment cannot be made by the Central Warehousing Corporation directly and it has to be made only through Employment Exchange. There is no question of issuing any appointment letter. There is no muster roll maintained for the contract workers since question of marking attendance does not arise at all. When the working hours of Mr. Mali is not fixed, Mr. Mali was paid Rs. 75/- per day for 19 days in February 1993 and for the month of March 1993 a consolidated payment of Rs. 1800 was paid to him. The claim that he was covered by the Model Standing Order is not correct. He is not a workman as defined under the I. D. Act. Mr. Mali is not entitled to take a plea that he is an

employee of the first party. His services were taken on an oral contract basis by the then Executive Engineer in the year 1993 on payment of a lumpsum amount of Rs. 1800 p.m. Since the first party is a Government Corporation the payment is to be made by cheque. It does not establish that there is any relationship of Master and Servant between the first party and second party. Mr. Mali has spoiled the general condition of the Car and it requires heavy repair work in April 1994. He attended the driving work only for five days. In the month of May 1994 he did not turn up for work at all. In June 1994 he attended the work only for 16 days. Payment of a lumpsum of Rs. 1800 p.m. therefore, does not arise. It is not true to say that his services were terminated without giving any notice or notice pay as alleged. Issuing notice and payment of notice pay as does not arise at all. Mr. Mali has abandoned the work and failed to perform his part of his obligation under the Contract. Therefore, applicability of the Provisions under Section 25-F and 25-N does not arise at all. The records would show that Mr. Mali was not interested in performing his part of the obligation under the contract. It is denied that Mr. Mali was required to drive the private car of Mr. Bansal. The log book shows that Mr. Mali was irregular in attending driving work and abandoned the work from March 1994 onwards. Mr. Mali, the second party is not entitled to any order of reinstatement or back wages or any other benefits.

4. The workman filed a rejoinder contending as follows :

The written statement having not been signed by the Executive Engineer or duly authorised authority, cannot be considered as a written statement at all. It has to be ignored. The contention of the first party Corporation are false and mala fide. The second party Mr. Mali was a workman within the purview of Section 2-A of the I. D. Act. The earlier Car Driver of the Corporation Mr. Naresh was transferred to some other place and he was relieved on 10-3-1993. The said post of Driver was vacant and Mr. Mali was appointed at in the vacant post. The first party is now trying to take advantage of the mistake committed in not appointing Mr. Mali through Employment Exchange. The fact whether the appointment is due to the Employment Exchange or not is not material for adjudication of the dispute between the parties. Mr. Bansal was using the Corporation Car for commuting during the relevant period. A log book was maintained for the said Car in which the destinations travelled in a particular day is mentioned. The car was sent to the garage for repairs and it was in the garage is also mentioned in the log book during the period in which the car was in the garage. Mr. Mali was required to drive a private car bearing registration No. DBG-5283 of Mr. Bansal for which there is no log book. The Second party Mr. Mali was working for the first party continuously without any break for more than 240 days in a period of 12 months and therefore, he is entitled to an order of reinstatement with back wages and other benefits.

5. The Point for consideration is whether Shri Bhagwan Ramchandra Mali is a Staff Car Driver of Central Warehousing Corporation and whether his termination of service would amount to retrenchment. If so, to what relief he is entitled ?
The Point :

The Second party workman has come forward with this dispute contending that he was appointed as a Driver by Shri Govind Singh, the then Executive Engineer of the first party Corporation and he was working in his capacity as a Staff Car Driver from 14-2-93 to 30-6-94, when the present Executive Engineer orally terminated his service. The case of the first party employee is that the second party was not appointed as a Staff Car Driver by them and he was appointed through a Contractor and his claim that his services were terminated in violation of Section 25-F of the I. D. Act is not correct, since he is not a workman. The Supreme Court in the decision reported in 1957 1 LLJ page 477 between Dharangadhra Chemical Works Ltd., and State of Saurashtra & Ors., 1759 GI/99—27

has held that the principles according to which the relationship between the employer and an employee or master and servant has got to be determined are well settled and that the prima facie test is the existence of right of control in respect of the manner in which the work is to be done. It has also been held that a person who agrees himself to work and does so work is therefore a workman does not cease to be such by reason merely of the fact that he gets other persons to work along with him and these persons are controlled and paid by him. The Supreme Court has also held that what determines whether a person is a workman or an independent contractor is whether he has agreed to work personally or not. If he has, then he is a workman and the fact that he takes assistance from other persons would not affect his status. In the present case it is not the case of the first party that the second party Mr. Mali takes assistance from other persons, whether he is a workman as defined under Section 2(S) or not has to be decided as per the evidence placed before this Tribunal. The second party has stated that when the permanent Driver Mr. Naresh was not reported for work he was transferred to some other place and was relieved from his service on 10-3-1993 and therefore Mr. Govind Singh appointed him as a Driver on the vacant permanent post. In support of his case he has also filed the payment slips. The first such payment slip is dated 31-3-93 in which it has been written as "in the absence of regular staff car driver during March 1993 Mr. Mali is appointed". There is also a foot note to the effect that they have already requested the Personnel Manager about the posting of Staff Car Driver since Naresh, Mali has already been transferred by R.M.P.N.P. New Bombay to C.S.F. JNPT and relieved on 10-3-93. These documents show that Mr. Naresh, the then Staff Car Driver was transferred and in his place Mr. Mali has been appointed and his wages was also cleared for the month of March 1993. For subsequent months also with regard to payment of wages notes are made to the effect that Mr. Mali is working as a Staff Car Driver and orders were solicited for making payment of his salary of Rs. 1800 and orders were also passed by the Authorities concerned. The work of driving the Staff Car was done by Mr. Mali and he has also been paid his wages also. Mr. Gopal Krishna Bansal, has been examined on behalf of the management has accepted that as per records Mr. Govind Singh Executive Engineer engaged Mr. Mali but he would contend that it was on contract basing at the same time he admits that he does not find anything in writing to show there was an agreement between Mr. Mali and the Corporation. Mr. Bansal has stated that Mr. Mali has to drive the vehicle as per the instructions given to him by the Officers of the Corporation. Everyday he has to drive the vehicle from the Township to the Office and also outside as per the instructions given to him. He has also admitted that Mr. Naresh was a previous Driver but he would plead ignorance by stating that he does not know whether Mr. Naresh was transferred. Admitted by Mr. Bansal, Mr. Mali was engaged as a Driver temporarily. This evidence of the management witness shows that the second party Mr. Mali was appointed by the then Executive Engineer, Mr. Govind Singh, when the regular staff car Driver was transferred and he was paid a sum of Rs. 1800 p.m. from the Corporation and not by any Contractor. When these facts are considered in the light of the decision of the Supreme Court reported in 1957 1 LLJ page 477 we can definitely come to the conclusion that the relationship between the first party and the second party is that of employer and employee and the second party is a workman under the first party and not workman of any Contractor as contemplated by the Corporation.

6. The worker would claim that his services were orally terminated by Mr. Bansal from 1-7-94 when he refused to receive payment for the work done by him through a Contractor and not directly as before during the months of April, May, June 1994; but it is the case of the employer that the workman has voluntarily abandoned the job and did not report for duty from 1-7-94. The Supreme Court has held in the decision reported in 1979 LIC page 270 between G.T. Land and Ors. vs. Chemicals and Fibres India Ltd. that the question whether there has been a voluntarily abandonment of service or not is a question of fact which has to be determined in the light of the surrounding circumstances of each case. According to the Supreme Court it follows that to constitute abandonment there must be total or complete giving up duties so as to indicate an intention not to resume the same. In the above decision the Lordships have referred to an earlier

decision of the Supreme Court reported in AIR 1964 SC 1272 wherein it was observed that under common law an inference that an employee has abandoned or relinquished service is not easily drawn unless from the length of absence and from other surrounding circumstances an inference to that effect can be legitimately drawn and it can be assumed that the employee intended to abandon service. Abandonment or relinquishment of service is always a question of intention and normally, such an intention cannot be attributed to an employee without adequate evidence in that behalf. The Bombay High Court has held in the decision reported in 1988 1 CLR page 38 as follows : It is now well settled that even in the case of the abandonment of service, the employer has to give notice to the workman calling upon him to resume his duty and also to hold an enquiry before terminating his service on that ground, and it was for the employer to prove that the petitioner workman had abandoned the service. In the above decision it has also been held that the employer has to give notice to the workman calling upon him to resume duty and also to hold an enquiry before terminating his service on that ground. In the present case the management only contends that the worker has abandoned his employment. They have not stated that the management has issued any notice calling upon the worker to resume duty; but their contention is the workman is not directly employed by them and he is a worker under the Contractor. We have already seen that the second party in this dispute has been appointed by Mr. Govind Singh, the then Executive Engineer and the case of the Corporation that he was a workman of the contractor cannot be sustained. While so, the management should have shown that when the worker abandoned the job they have taken step to issue notice to him to report for duty. In the evidence, the management witness has stated that he does not remember whether Mr. Mali has written letters either to himself or to the Corporation in July 1994. It is admitted by him that in July, 1994 Mr. Mali initiated conciliation proceedings before the Regional Labour Commissioner and he had also attended the conciliation proceedings. If the case of the first party employer that the worker has abandoned his job is true, it has not been explained by the only witness of the management as to why the second party had initiated conciliation proceedings against the management in the very same month in which his services came to an abrupt end. The theory of abandonment therefore, is not convincing and acceptable.

7. Now let us consider whether the plea of retrenchment made by the workman has been established. Any termination without complying with Section 25-F of the I. D. Act has to be held as illegal, amounting to retrenchment. When the prerequisites for a valid retrenchment as laid down in Section 25-F are not complied with, then it is not a case of termination of service by retrenchment. It is not the case of the management that any notice was issued or notice pay was paid in order to hold that the termination of service of the workmen would not amount to retrenchment. The only witness examined on behalf of the management has stated that he does not know whether the Corporation has written any letters to Mr. Mali to return to duty. If it is a case of voluntary abandonment, the management has to write to the employee to report for duty and hold an enquiry. But when they have not written to the employee to return for duty, the theory of voluntary abandonment fails and retrenchment pleaded by the workman gets established. The explanation by the management witness that notice pay or retrenchment compensation were not offered to Mr. Mali, since he was not a workman cannot be accepted when the evidence shows that Mr. Mali is a workman under the employer and his services were terminated abruptly. The witness examined on behalf of the management would contend that he had checked the records but he does not know whether Mr. Mali has worked for more than 240 days during the relevant period. He would also say that he does not know how many vehicles are there in INPT and how many Drivers are there; but yet the management would contend that even assuming Mr. Mali has worked for more than 240 days he cannot be reinstated since he was not appointed through Employment Exchange and he is not qualified to be appointed as a Driver under the Corporation. As far as the contention of the management that the original appointment itself is illegal and therefore, Mr. Mali cannot be reinstated even if his termination amounts to retrenchment is not sustainable in the light of the decisions of the Patna High Court and Andhra Pradesh High Court reported in 1995 2 IJL page 973 between Mithilesh Kumar Singh and State of

Bihar and Ors. and 1996 1 IJL page 1116 between K. V. Durga Prasad and Ors. and Sri Durgamalleswara Swami Vari Davasthanam, Vijayawada and Others. In the former case the Patna High Court has held that the idea of illegal and invalid appointment is quite foreign to the scheme of the Industrial Disputes Act and with the termination of the employment of a workman on the ground that his initial appointment is not legal and valid itself qualifies as retrenchment within the meaning of Section 2(oo) as termination were illegal and invalid appointment has not been made an exception to the definition of retrenchment. In the latter case Andhra Pradesh High Court has held that when the petitioners were terminated on the ground original appointment was illegal, Notice should have been given and heard and wherein the petitioners were not issued any notice or opportunity given before effecting the termination and when the Executive Officer has simply followed the instructions of the Government, the impugned order of termination violates principles of natural justice. It is thus seen that the contention of the management that Mr. Mali was not appointed through Employment Exchange and he was not qualified for being appointed as a Driver of the Corporation and therefore, his original appointment itself is illegal and therefore, he is not entitled for reinstatement has to be rejected in view of the above two decisions.

8. The next question that arise for consideration is what is the relief to which the employee is entitled. It is now a recognised principle of law that where it had been found that Section 25-F contravened there is no other alternative with the Labour Court but to order reinstatement with continuity of service and full back wages. But the learned counsel appearing for the management in his written arguments has stated that the Car in which he was a Driver has been sold as a scrap and there is no proposal for providing any replacement against the said vehicle at construction Cell, INPT, Mumbai and as such there is no post in which the employee could be reinstated. In support of his contention he has also filed the letter of the Asstt. Manager (Admn.) to the Regional Manager CFS, INPT dated 15-8-96. This letter reads that the Competent Authority has approved the disposal of the old Car BIL 2723 for which the second party has acted as a Driver. It also reads that it has been decided not to provide any replacement against this vehicle at Construction Cell INPT, Mumbai. What is stated in this letter is only to the effect that there is no replacement against this vehicle which has been sold. It does not say that on account of the sale of the vehicle the post of Staff Car itself is abolished. The management witness is an Executive Engineer. He has stated that he does not know how many Drivers were there in the Corporation and how many posts of Drivers were vacant and he does not know how many vehicles are there in INPT. According to him in his office there is only one vehicle but it is not his case that there is only one vehicle in INPT for which there is only one worker namely the second party herein and there is no post of Staff Car Driver, when the available car was sold. When he is not even able to say how many cars were there in INPT, how many Drivers are there and how many posts of Drivers are vacant it cannot be stated that the second party worker could not be reinstated just because he has completed 240 days on account of want of sanctioned post. The decision reported in 1994 IJC relied by the management is with regard to regularisation and the right of the worker on temporary assignment working on un sanctioned post. In the case on hand there is no plea and no evidence that the employee or the worker was working on an un sanctioned post and that post was also abolished subsequent to the sale of the car. Therefore, the contention of the management that the worker is not entitled to an order of reinstatement even if it is established that he has completed more than 240 days in one year cannot hold water. I am of opinion that the second party workman whose services were terminated without complying the Provisions of 25-F of the I. D. Act is entitled to an order of reinstatement with back wages and other benefits.

In the result I hold that Shri Bhagwan Ramchandra Mali is a Staff Car Driver of Central Warehousing Corporation and that he has been retrenched from service and he is entitled to an order of reinstatement with back wages and other benefits.

An Award is passed accordingly.

C. V. GOVARDHAN, Presiding Officer

नई दिल्ली, 3 जून, 1999

का.आ. 1854:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता डोक लेबर बोर्ड के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल.-32011/11/92-आई.आर. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1854.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Dock Labour Board and their workman, which was received by the Central Government on 3-6-99.

[No. L-32011/11/92-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 43 of 1993

PARTIES:

Employers in relation to the management of Calcutta Dock Labour Board.

AND

Their Workmen.

PRESENT:

Mr. Justice A. K. Chakravarty, Presiding Officer.

APPEARANCE:

On behalf of Management: Mr. P. B. Chowdhary, Advocate with Mr. B. K. Chakraborty, Industrial Relations Officer.

On behalf of Workmen: Mr. D. K. Mukherjee, Executive Committee member of the union.

STATE: West Bengal

INDUSTRY: Port & Dock.

AWARD

By Order No. L-32011/11/92-IR(Misc.) dated 1-11-1993 and Corrigendum of even number dated 19-1-1994 the Central Government in exercise of its powers under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Calcutta Dock Labour Board in giving notice dated 8-6-92 for change of service conditions in accordance with Section 9(A) is violating the settlement dated 12-6-89? If so, to what relief the concerned workmen are entitled?"

2. Calcutta Dock Labour Board Employees Association (in short the union) has sponsored the reference protesting against the alleged unilateral action of the management of the Calcutta Dock Labour Board (in short the CDLB) in changing the service condition of the concerned workmen who are watchmen.

3. Union's case, in short, is that the management of CDLB Employees Watchmen for guarding their six establishments

at Head Office at 20B, Abdul Hamid Street, Calcutta, Old Call Stand at C.G.R. Road, Calcutta, New Call Stand at Dock Eastern Boundary, Calcutta, Call Point at 15, Old Dock Road, Calcutta, Hospital at Nimak Mahal Road, Calcutta and Brookline Quarters and Dispensary at Paharpur, Calcutta day and night round the clock. These watchmen are posted in three shifts, namely, morning, afternoon and night shift. Three watchmen are posted in the Head Office to remain on duty per shift. In the New Call Stand and Old Call Stand Establishments two watchmen are posted per shift in each of these establishments. Such postings of watchmen is continuing for the last 30 years. The management of the CDLB by its notice dated 8-6-1992 tried to reduce the number of watchmen by directing posting of one watchman in each of the above three establishments on Sundays and Holidays making thereby a complete departure from the existing arrangement. Prior to the issuance of this notice on 8-6-1992 the management did not hold any meeting with any of the unions regarding such change in deployment of the watchmen in these establishments. Under paragraphs 19 and 20 of the settlement dated 12-6-1989 between the management and the Water Transport Workers Federation of India to which the sponsoring union is affiliated the management was not entitled to alter the service conditions of the employees unilaterally. The sponsoring union thus prayed for quashing of the notice dated 8-6-1992 and restoration of the previous arrangement in respect of deployment of watchmen for guarding the above three establishments.

4. The management of CDLB filed a written statement, alleging, inter-alia that under paragraph 20 of the settlement dated 12-6-1989 the management was entitled to take necessary steps for minimising overtime allowance as much as possible. It is also alleged that the management made the change for effecting economy in administrative expenditure and also for gainful utilisation of the watch and ward staffs and such change being of normal nature no notice under Section 9A of the Industrial Disputes Act, 1947 was necessary. The management accordingly prayed for dismissal of the union.

5. The union filed a rejoinder denying the allegations of the management in its written statement and also reiterating its own allegations in its own written statement.

6. The management of the CDLB being not interested in conducting the case, Mr. D. K. Mukherjee, representative of the union was directed to prove the case of the union ex parte. In terms of the said order, he examined one witness, namely, Kshitish Chandra Dey an Upper Division Clerk and Secretary of the sponsoring union, who also proved certain documents on behalf of the union.

7. It appears from the evidence of the WW-1 that the main grievance of the union is that the management has acted illegally in effecting change in the existing practice of deployment of watch and ward staffs in the three establishments of Head, Office, New Call Stand and Old Call Stand unilaterally without consulting any of the unions in violation of the terms of the settlement entered into between the management of CDLB and the Water Transport Workers Federation of India to which the sponsoring union is affiliated.

8. The settlement dated 12-6-1989 was produced by the union and marked Ext. W-2 in this case. Paragraphs 19 and 20 of the settlement require consideration for deciding the controversy between the parties. Paragraph 19 runs as follows:

"19. Protection of existing benefits:

Merely as a consequence of the implementation of this settlement, any facility, privilege, amenity, right, benefit, monetary or otherwise, or concession to which an employee or a category of employees might be entitled to by way of any award, practice or usage, shall not be withdrawn, reduced or curtailed, except to the extent and manner as explicitly provided for in this Settlement."

Paragraph 20.1 of the settlement runs as follows:—

"20.1 Both the management and the Federations/Union agree that scientific approach shall be evolved for

achieving efficiency, economy, rationalisation and better productivity in port operations in consultation with the unions."

I find from the written statement of the management that reference was made to paragraph 20.2 of this settlement in justification for its action which runs as follows :

"20.2 The Federations/Union agree that the allied unions will cooperate with the management in minimising overtime to the extent possible."

9. There cannot be any doubt that the settlement shall be binding upon the parties of the agreement under Section 18(1) of the Industrial Disputes Act, 1947. Paragraph 19 of the settlement has expressly prohibited any change in the practice or usage except to the extent and manner as provided for in the settlement itself. Paragraph 20.1 prescribes that it is only upon consultation with the unions that any change in the practice or usage can be brought about. Mr. Mukherjee, representative of the union submitted that it is not disputed that the management is entitled to minimise overtime to the extent possible, but any step in that direction can only be made upon prior consultation with the unions. From the exparte evidence of WW-1 it appears that the practice is continuing for the last 30 years and none of the unions was ever consulted before issuance of the disputed notice, Ext. W-1 by which the change in the deployment of the watch and ward staff was effected. Such change in the deployment of staffs cannot be said to be a normal manning and even assuming it to be so any change in the time old practice for deployment of labour force in a different manner, require prior consultation with the unions in the matter. That having been not done, the management was not justified in unilaterally changing in the service conditions of its workmen and the impugned notice dated 8-6-92 is accordingly bad and liable to be quashed.

10. Notice dated 8-6-1992 accordingly stands quashed and the management is directed not to effect any change in the age-old practice of deployment of watch and ward staffs in the aforesaid three establishments.

This is my Award.

Dated, Calcutta,
The 25th May, 1999.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 3 जून, 1999

का.अ. 1855:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मद्रास डॉक लेबर बोर्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल.-33012/1/94-आर.आई. (विविध)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1855.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Dock Labour Board and their workman, which was received by the Central Government on 3-6-99.

[No. L-33012/1/94/IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,
CHENNAI

Tuesday, the 16th day of February, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 153 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and Management of Madras Dock Labour Board, Madras.)

BETWEEN

Shri M. Sundaram,
R.P.M. No. 4576,
Madras Dock Labour Board,
'A' Block, No. 21,
Kalyanapuram Elephant Gate,
Madras-600001.

AND

The Deputy Chairman,
Madras Dock Labour Board,
Rajaji Salai,
Madras.

REFERENCE :

Order No. L-33012/1/94-IR(Misc.), Ministry of Labour,
dated 17-3-94, Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 18th day of December, 1998, upon perusing the reference, claim, counter statements and all other material papers on record, upon hearing the arguments of M/s. Row and Reddy, and K. Indra, Advocates appearing for the petitioner and of Tvl. Aiyar and Dolia, R. Amugam and B. Haribabu, Advocates appearing for the respondent-management, and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Dock Labour Board, Madras in dismissing Shri M. Sundaram T. No. 4576 Mazdoor from services with effect from 24-5-92 is just proper and legal? If not, to what relief is the workman entitled?"

2. The main averments found in the claim statement filed by the petitioner are as follows: The petitioner's father Murugan was employed with the respondent and he left the services on 17-7-1975 on the grounds of medical invalidation. Subsequently on 10-4-80 the petitioner was appointed as casual mazdoor under the scheme of employment to the heirs of employees who were declared medically unfit. On 1-10-82 the petitioner was made temporary mazdoor and on 28-9-84 the petitioner was absorbed into reserve pool. While the petitioner was working with the respondent, the said Murugan gave a complaint on 15-3-91 alleging that the petitioner was not his son and that the petitioner secured employment on false grounds. On 26-5-91 the petitioner was suspended by the Labour Officer. On 6-6-91 the petitioner was served with a charge memorandum alleging that the petitioner was guilty of securing employment by impersonation. The petitioner denied the charges and reiterated that the said Murugan, because of some family feud gave a complaint. Not satisfied with the explanation the Labour Officer was appointed an Enquiry Officer to hold the enquiry into the charges levelled against the petitioner. The Enquiry Officer held the enquiry on various dates. The complainant Murugan and other witnesses were examined in the enquiry before the petitioner. Petitioner did not cross-examine them. Documentary evidences like Birth Certificate, transfer certificate, ration card, voters list, certificate from the Tehsildar etc. were produced by the petitioner to prove that the

petitioner was the son born to Murugan and that he has not impersonated as alleged in the charge. The Labour Officer however, rejected the defence evidence and accepting the oral testimony of the prosecution witness, held the charges as proved by his reports dated 6-9-91 and 16-12-91. The petitioner was served with show cause notice dated 6-1-92 and was called upon to submit his further explanation on 14-1-92 pointing out that the evidence of the Enquiry Officer was perverse and cannot be accepted at all. On 23-2-92, the petitioner was given a personal hearing by the Deputy Chairman and the petitioner during the personal hearing reiterated that he was not guilty of the charges. By proceedings dated 4-5-92 the petitioner was dismissed from service. Aggrieved by the orders of dismissal the petitioner preferred an appeal on 16-5-92 to the 2nd respondent and 2nd respondent rejected the appeal by memo dated 22-6-92. The order of dismissal from service is opposed to canons of justice, and fair play. Accepting the fact that the petitioner was son of Murugan after duly verifying his credentials, the respondent appointed the petitioner. To dismiss the petitioner after lapse of 11 years is a mockery in the eye of law, and the respondent are estopped from dismissing the petitioner on grounds of impersonation. Only after identification by Murugan on his son the petitioner was appointed. But the said Murugan after lapse of several years says that the petitioner is not his son. In stead of prosecuting the said Murugan under the provisions of Indian Penal Code, the petitioner has been taken to task and dismissed him from service. When the said Murugan has contended that his son is alive and working with Food Corporation of India, in all fairness the said Murugan should have produced the alleged original son to prove that the petitioner was not his original son. On the contrary, the said Murugan did not produce his original son and the direct evidence was not produced in the enquiry. Only circumstantial evidence was produced to show that the petitioner is not the son of Murugan. The direct evidence has been overlooked and neglected by the Enquiry Officer and therefore the proceedings are vitiated. Enquiry Officer has held that the transfer certificate is false on the ground that the school was not recognised and to arrive at such a conclusion, he has relied upon a communication dated 26-10-91 from the District Educational Officer. All schools need not be recognised and in fact at the time of appointment, respondent never rejected the same. The respondent neither got the copy of the letter received from the District Educational Officer for cross-examination by the petitioner and therefore the proceedings are vitiated in the eyes of law. The complainant Murugan was not a respectable person and was not credit-worthy. The very same Murugan gave a letter subsequently withdrawing the earlier complaint and reiterated that the petitioner was his son. The statement of such uncredit worthy person should not have been relied upon by the respondent to deprive him of his employment. The Enquiry Officer as well as respondent have summarily rejected the documentary evidence which proved that the petitioner was the son of Murugan. The complainant was received by the Labour Officer who investigated the same and suspended the petitioner. Enquiry was conducted by the Labour Officer who gave the enquiry report. The Labour Officer has assumed the role of complainant, prosecutor and the Judge—The findings of Labour Officer is biased. Extreme punishment of dismissal from service after lapse of several years is disproportionate. The petitioner prays to quash the dismissal order of the petitioner and hold the same as illegal and direct the respondent to reinstate the petitioner with back wages and other attendant benefits.

3. The main arguments found in the counter statement filed by the respondent are as follows: The respondent MDLB is a tripartite body constituted under Dock Workers (Regulation of Employment) Act, 1948. The Madras Dock Labour Board administers 4 schemes statutorily framed by the Central Government under Section 4 of the aforesaid Act. The relevant scheme for the purpose of this case is the Madras Dock Workers (Regulation of Employment) Scheme 1956. It applies to registered categories as set out in Schedule I together with the clauses of descriptions of Dock Workers performed by them. The petitioner at the time of his dismissal from service was working as Reserve Pool Mazdoor under this scheme. He entered into the Dock Labour Board as a casual mazdoor on 10-4-80. On 1-10-82 he became temporarily listed Mazdoor and on 1-10-84 he became Reserve Pool Mazdoor. To the employees belonging to the category

of Reserve Pool Mazdoor and other Dock Workers of the Scheme, both the statutory scheme 1956 and certified Standing Orders are applicable. The Disciplinary action is as per the procedure set out in the statutory scheme and the items of misconduct are enumerated under the Certified Standing Orders. The petitioner while entering into the Board's service was introduced by one Murugan who was a listed Dock Worker. The said Murugan was medically unfit and terminated from service on 17-7-75. As per the practice, the sons/daughter/wife of the erstwhile employees were being given preference in the matter of appointment on compassionate grounds into the service of the Board. In 1979, an intimation was sent to Murugan to propose one of his legal heirs for appointment. Even though the petitioner was not his son by name M. Sundaram but only Sri Sampath son of one Singaram, the said Murugan falsely introduced him as his son in January 1980 and secured him employment as casual Mazdoor on and from 10-4-1980. It was only in March and May 1991 the said Murugan complaint that the petitioner is not his son but he is the son of one Singaram and that his name is not Sundaram but is Samarth. It was further stated that Sundaram, his son who was born on 1949, after the death of his first wife Nagammal in 1952 was brought up by his mother-in-law and he had been working in Food Corporation of India. According to Murugan, he married another lady by name Rajammal in 1956. At the time of the said marriage, the said Rajammal and two children by name Ganesan and Maya. He was taking care of such children who was born to one Babu who forsook Rajammal and her children. Through Murugan, Rajammal subsequently gave birth to two children by name Raja and Kalki. Yesu. It was at a time when Murugan was doing certain illegal distillery of arrack was trying to carrying it from Sulerpe, when he was arrested and was kept in Tiruvellore Sub-Jail. One Ayyavoo who is the farthe-in-law of the petitioner is related to Rajammal. Rajammal and the children of Murugan Raja and Kalki requested the said Ayyavoo to bail Murugan out. They happened to stay in the house of the petitioner. Ayyavoo spent money for taking Murugan on bail and was later demanding the said money from Murugan and his wife Rajammal. When they were unable to pay the said money, Ayyavoo insisted that Murugan should secure employment to his son-in-law Sampath in the ground that he was Murugan's own son and he assured that Sampath on getting employment as Sundaram he would take care of Murugan life long. Ganesan the son born to Rajammal was already employed as a painter in MDLB (as listed Mazdoor) and Maya was living separately. The children Raja and Kalki were very much young in age who could not be given appointment. Because Murugan could not tolerate the pressure from Ayyavoo, with the concurrence of Ganesan and Murugan, secured employment to Sampath as if he was his own son Sundaram, because Ayyavoo promised that he would not ask back for the money and that Sampath would take care of Murugan during his life time. That is how he was taken into the services by the false information that he as the son of Murugan by name Sundaram even though he is really Sampath son of Singaram. Based on the complaint of Murugan and other persons, the claimant was suspended from service by the order dated 27-5-91 and further course of action was taken against him as per procedure contemplated under Reg. 45 of the MDLB Workers (Regulation of Employment) Scheme, 1956. The Labour Officer is the competent authority to hold the enquiry conducted the enquiry and on the side of the respondent witnesses were examined. They are Murugan, Raja, Kalki who were born to Murugan and Rajammal, Ganesan who was born to Babu and Rajammal, the second wife of Murugan, Rajammal were examined. Though opportunity was given to the claimant to cross-examine each of them the petitioner declined to cross-examine them. He examined himself besides examining in his side one Balusamy, Gopi, Balakumar and Dharmalingam. Their evidence clearly showed that only because the petitioner herein told them that he was born to Murugan they had stated so and they had no personal knowledge as to whose son he was. The witnesses examined on the side of the respondent including Murugan categorically stated that the petitioner was not born to either Nagammal, the first wife of Murugan or Rajammal the second wife of Murugan. The petitioner produced birth extract of the Corporation of Madras dated 10-9-91 wherein his date of birth is stated to be 23-6-54. In an earlier statement dated 27-6-91 the petitioner alleged that he was born to first wife of Murugan, Nagammal. The said Nagammal died in 1952 as stated by

Murugan and that was not in any manner controverted or rebutted. The fact remains that Murugan married Rajammal in 1956. The fact also remains uncontroverted. Therefore, the petitioner could not have been born to Rajammal and Murugan on 23-6-54. Therefore, the birth extract produced by the claimant is not of any use to him. Similarly the transfer certificate produced by him from a school which is not in existence could not be believed and that the school was never recognised and the signature of the petitioner in the transfer certificate different from his signature in the enquiry proceedings. Further, the voter's list, ration cards, are documents in which a person can get his name included with impunity whether he belongs to a particular family or not. Therefore, the Labour Officer, based on evidence and for cogent reasons found the petitioner guilty and as contemplated under the statutory scheme referred the matter to the Deputy Chairman of the Dock Labour Board stating that the charge of impersonation proved against the petitioner deserves imposition of higher punishment by order dated 16-12-91. Earlier to that on 6-9-91 on the enquiry made by him on 27-6-1991, 1-7-1991 and 3-7-1991 the matter was referred to the Deputy Chairman by the Enquiry Officer under Regulation 45(4). As contemplated under Regulation 45(5), the Deputy Chairman directed the Labour Officer to further hold enquiry to find out whether the petitioner was guilty of the charge or not. It was thereafter, that further enquiry was held on 25-11-91, 4-12-1991, 6-12-1991, 7-12-1991, and 12-12-1991. Based on such enquiry the Labour Officer gave his report on 16-12-1991, again holding that the guilt proved against the petitioner warranted imposition of higher punishment. The procedure adopted is in accordance with the scheme, and in the teeth of the express statutory provisions, Principles of natural justice as alleged by the claimant has no application. It is denied that Labour Officer after his submitting his report dated 6-9-91 became functus officio and there was violation of principles of natural justice. It is denied that the copies as required by him were not furnished to him. On his request after the submission of the report by the Labour Officer and before personal hearing was given to him by the Deputy Chairman, all statements, depositions etc. were furnished to the petitioner. The Deputy Chairman as contemplated under the statutory scheme gave a show cause notice to the petitioner asking him why he should not be dismissed from service for proved act of misconduct or impersonation. The petitioner submitted his explanation dated 14-1-1992 and wanted the statements, depositions, and documents to be furnished to him. The same was complied with on 10-3-1991. As aforesaid personal hearing was given to him on 23-3-1992 by the Deputy Chairman. It was thereafter by the order bearing No. 622/91-A1/ dated 4-5-1992 the Deputy Chairman for valid and cogent reasons accepted the report of the Labour Officer and on materials found that there was nothing to show that the petitioner was a son born to Murugan. Though the petitioner pleaded that the original Sundaram ought to have been examined, the respondent felt satisfied that it was not necessary because the petitioner himself once stated that he was born to Nagammal and later stated that he was born to Rajammal. The uncontroverted evidence as set out herein above disclosed that he was neither born to Nagammal first wife of Murugan nor to Rajammal the second wife of Murugan. The documentary evidence produced by him were of little assistance to him. The oral evidence on his side was stage managed. Under such circumstances he was rightly found guilty of the charge and dismissed from service w.e.f. 23-5-91 viz., the date on which he was suspended. The claimant preferred an appeal to the Chairman and as there was no substance in the appeal the same was rejected on 22-6-92. Mere fact that he worked for 12 years on the false ground that he is Sundaram, son of Murugan, does not warrant any conclusion that he was born to Murugan. The mere fact that the claimant is a person belonging to Scheduled Caste does not absolve him of his guilt. The mere fact that Murugan demanded money from petitioner and as he refused to oblige him, Murugan had complained that the petitioner is not his son does not support the claim of the petitioner because as per the evidence, obtained in the case at the time of securing employment to the petitioner, Murugan was in financial difficulties and had to oblige to Ayyavoo and again after 12 years when the petitioner refused to give money, Murugan had come out with the truth. The cumulative evidence of all prosos concerned go to show that the petitioner is an impersonator. The charge proved against the petitioner

being serious in nature, punishment of dismissal is the appropriate remedy and does not warrant any interference of this Tribunal.

4. On behalf of the petitioner Ex. W-1 to W-21 were marked and the petitioner who filed a proof affidavit was cross-examined as WW1. On behalf of the respondent management, Th. M. Gopalan, Personnel Officer of the respondent was examined as MW1 and Ex. M.1 to M.33 were marked.

5. The Point for consideration is : Whether the action of the management of the Dock Labour Board, Madras in dismissing Shri M. Sundaram T. No. 4576 Mazdoor from services with effect from 24-5-92 is just, proper and legal? If not, to what relief is the workman is entitled ?"

6. The Point : Madras Dock Labour Board is a statutory body constituted under Dock Workers (Regulation of Employment) Act, 1948. One Murugan who was a Dock worker working under the Madras Unregistered Dock (Regulation of Employment) Scheme 1957 called listing scheme was found medically unfit and on that ground was terminated from service as on 17-7-75. As per the practice then prevailing, sons/daughters/wife of such employees were given preference for appointment on compassionate grounds in the service of the Board. In 1979 intimation was given to the said Murugan stating that it was open to him to seek for appointment of his son or daughter on compassionate grounds in the services of the board. On 19-11-1979 the said Murugan gave Ex. M.1 letter to the respondent to give employment to his son wherein the name of his son has not been mentioned. On 18-1-1980 the said Murugan gave Ex. M-3 letter requesting the respondent requesting appointment for his son Sundaram, for whom he has produced School Certificate, Caste Certificate and also letter from MLA. By Ex. W-5 order dated 30-9-82 petitioner Sundaram (Sampath) was appointed as listed casual labourer and by Ex. W-6 order dated 28-9-84 he was absorbed for the reserve pool. On 14-3-91 his register no. was changed as 2801 : seen from Ex. W-7. On 15-3-91 Murugan gave Ex. M complaint to the respondent alleging that the petitioner is not the real son Sundaram but the real name of the petitioner is Sampath S/o Singaram. On 27-5-91 the respondent placed the petitioner under suspension pending enquiry and the said order is Ex. W-8. On 6-6-91 the respondent issued Ex. W-9 charge sheet to the petitioner for alleged misconduct under Clause 15(b)(3)(30) of the Certified Standing Orders applicable to the respondent and the enquiry was ordered. Enquiry was conducted on 27-6-91, 1-7-91, and 3-7-91 by the Labour Officer of the respondent in which Murugan the complainant or otherwise alleged father of the petitioner. Ganesan, foster son of the complainant Murugan and the petitioner and his witness T. Kannan, Gobi, Balakumar and Balusamy were examined and the enquiry officer has held that the petitioner has produced false documents and that the petitioner is not the son of the complainant i. Murugan and referred the matter to the Deputy Chairman of the respondent for awarding higher punishment under clause 45(4) of the said Scheme 1956. Again the said Labour Officer conducted a detailed enquiry on 25-11-91, 4-12-91, 6-12-91, 7-12-91 and 12-12-91 and examined the said Murugan, complainant Smt. Maya, foster daughter of the complainant, Raja and Kalki son of the complainants through his second wife of Rajammal, Thiru Ganesan foster son of the complainant Murugan, the petitioner and his witnesses Thiru Balusamy, Gobi, R. Balakumar, and Dharmalingam after considering the oral evidences as well as documents produced by the petitioner herein again held that the petitioner herein is not the son of Murugan, the complainant but he is son of one Singaram and that his real name is Sampath. By a letter dated 14-1-92 the petitioner submitted his explanation Ex. W-17. On 6-1-92 the respondent issued show cause notice Ex. M.2 proposing a punishment of dismissal for which the petitioner submitted Ex. W-7 explanation dated 14-1-1992. On 7-3-1992 by Ex. M.24, the petitioner was given opportunity of personal hearing before the Deputy Chairman on 9-3-92. At the request of the petitioner another opportunity of personal hearing on 23-3-92 was given as per Ex. W-18 letter. After personal hearing on 4-5-92 the petitioner was dismissed from service as per Ex. W-19 or Ex. M.27 order. On 16-5-92 the petitioner preferred Ex. W-2 appeal to the Chairman, who rejected the same as per Ex. W-21 order dated 22-6-92. It is against this dismissal order this reference has been made. Even in the domestic e-

quiry, the petitioner has produced Ex. W-1 xerox copy of the ration card, Ex. W-2 voters list, Ex. W-3 community certificate Ex. W-15 birth certificate and also T. C. issued by a school.

7. The contention of the petitioner is that he is the son of Murugan an ex-employee of the respondent through his first wife Nagammal and because his father Murugan wanted money for the marriage expenses of his brother Raja born to Rajammal second wife of his father for which the petitioner refused, his father Murugan has given a false complaint of impersonation. The contention of the respondent is that the petitioner is not the real son of Murugan and the real name of the petitioner is Sampath son of Singaram who has impersonated as the son of ex-employee Murugan for getting employment of the respondent and therefore the petitioner is liable to be dismissed. Petitioner has produced ration cards from the year 1985-88 and 1993-1998 which are marked as Ex. W-1/series wherein the name of the petitioner and also the name of his father Murugan are mentioned. Petitioner has also produced Ex. W-2 voters list of the year 1985 where also Thiru Murugan has mentioned as father of Sundaram. The petitioner has also produced Ex. W-4 community certificate dated 9-2-93 wherein Murugan is mentioned as father of Sundaram. The Transfer certificate issued by some school is not produced before this Tribunal by either party. Ex. W-1, W-2, and W-4 certificates are after the employment of the petitioner. Ex. W-2 is another community certificate dated 11-1-80 wherein one Murugesan is mentioned as father of Sundaram. In this certificate name of the father of Sundaram is mentioned as Murugesan and not as Murugan and therefore Ex. W-3 community certificate cannot also be held as conclusive proof for petitioner's contention that he is the son of Murugan. The petitioner has also produced a birth certificate dated 10-9-91 issued by the Corporation of Madras wherein his date of birth is mentioned as 23-6-54. This certificate has been issued in pursuance of an order dated 14-9-91 issued by the Additional Chief Metropolitan Magistrate, Madras on an application made by the petitioner himself in CMP No. 1844/95 and the Court has ordered the Commissioner, Corporation of Madras to register in the relevant registers of Corporation of Madras the birth of M. Sundaram to Smt. M. Rajammal and Murugan under Rule 10(3) of Tamil Nadu Birth Rules 1977. In pursuance of the said order Corporation of Madras has issued Ex. W-15 birth certificate. Apart from the fact that in Ex. W-1 ration card, W-2 voters list and W-15 birth certificate necessary informations have been furnished only by the petitioner himself. The fact remains that Ex. W-15 birth certificate contains several falsehood. The contention of the petitioner is that his mother's name is Nagammal the first wife of Murugan who is said to have died in 1952. It is the definite case of the petitioner that he was not born to Rajammal. It is the admitted case of the petitioner also that Rajammal was already married to one Dillibabu and to whom she got two children by name Ganesan & Maya. When Dillibabu deserted her, the widower Murugan married her again in 1956 and they gave birth to Raja and Kalki @ Yesu. Therefore it is the definite case of the petitioner that he is not the son of Rajammal. But in Ex. W-15 birth certificate the mother of the petitioner is mentioned as Rajammal and his date of birth is mentioned as 28-6-54. But the admitted case of birth sides is that Rajammal got married to Murugan only in 1956. In the enquiry the petitioner has stated on 27-6-91 that he was born to Smt. Nagammal, the first wife of Murugan. According to Murugan his son Sundaram was born in the year 1949 through his wife Nagammal who died in 1952 and the said Sundaram is still alive and working in the Food Corporation of India. Since Nagammal died in 1952, the contention of the petitioner that he was born on 23-6-54 to Nagammal also could not be true. So also since Rajammal and Murugan got married only in 1956 the petitioner could not have been born to them on 23-6-1954 as contended by the petitioner. The petitioner has categorically admitted that he is son of Nagammal in the enquiry held on 27-6-71 by the Labour Officer. In the domestic enquiry the complainant Thiru Murugan, Ganesan, Maya, children of Rajammal born through Dillibabu and brought up by Murugan, and Raja and Kalki who were born to Murugan through Rajammal have also been examined as witnesses. All these witnesses have deposed that the petitioner is not the son of Murugan.

Thiru Murugan has categorically stated that when he was remanded to judicial custody in a prohibition case, the father-in-law of the petitioner Thiru Aiyavoo, who was also a friend of him helped him to be released on bail and at his request, he only introduced the petitioner whose real name is Sampath, S/o Singaram, as his own son to the respondent, on the promise that the amount spent by Aiyavoo for getting Murugan released on bail will not be demanded and also on the promise that Sundaram will look after Murugan in future. The evidence given by Murugan and other witnesses Ganesan, Maya, Raja are all natural and believable. Moreover when they were examined in the domestic enquiry, the petitioner has given in writing that he did not want to cross-examine them. In his evidence also the petitioner has admitted that he did not want to cross-examine the witnesses examined on behalf of the management. Before this Court when the petitioner was cross-examined on behalf of the management, he has stated that his father might have had two wives and he does not know whether the first wife's name is Nagammal. Nagammal could have been his first wife and also does not know whether Nagammal died in 1952. In his earlier statement Ex. M-8 he has given his mother's name as Nagammal whereas now he would contend that his mother's name is Rajammal. But all the children born to Rajammal through her first husband Dilli Babu i.e. Ganesan and Maya and the two children Raja & Kalki born to Murugan second husband of Rajammal have deposed that the alleged Sundaram petitioner herein is not born to their mother. The petitioner has not produced any other evidence to prove that he is the son of Rajammal born through Murugan. The real son Sundaram of Murugan is said to be alive and working in the Food Corporation of India. After Murugan gave a complaint and deposed before the Labour Officer the petitioner has influenced Murugan to give Ex. W-11 letter dated 30-7-91 and an affidavit dated 31-7-91. Ex. W-12 retracting his earlier statement that the petitioner is not his son Sundaram. Subsequently when he was examined again by the respondent in the presence of the petitioner on 4-12-91 he has stated that the petitioner his wife and one Dharaman compulsorily took him by auto to an Advocate and prepared some statements and got his signature in statements. Therefore Ex. W-11 statement of Murugan dated 20-7-91 and his affidavit dated 31-1-91 are all no avail. There is ample evidence to prove that the petitioner is an impersonator, and he has been rightly dealt with according to law.

In the result, award passed dismissing the claim of the petitioner. No costs.

Dated, this the 16th day of February 1999

S. ASHOK KUMAR, Industrial Tribunal.

WITNESSES EXAMINED

For Workman :

W.W. 1 : Th. Sundaram (Proof affidavit filed) (cross).

For Respondent management :

M.W. 1 : Thiru M. Gopalan.

DOCUMENTS MARKED

For Petitioner workman :

- Ex. W-1/1993-98 : Xerox copy of the ration card.
- Ex. 2/1985 & 1988 : Xerox copy of the voters list.
- Ex. W-3/11-1-80 : Community certificate (xerox).
- Ex. W-4/9-2-93 : Community/Income Certificate (xerox)
- Ex. W-5/30-9-82 : Appointment as listed casual labour (xerox).
- Ex. W-6/28-9-84 : Absorption in the Reserve Pool (xerox).
- Ex. W-7/14-3-91 : Change of register number (xerox).
- Ex. W-8/25-7-91 : Order of suspension (xerox).
- Ex. W-9/6-6-91 : Charge memorandum (xerox).
- Ex. W-10/27-6-91 : Letter from Murugan to Management given during Enquiry proceedings (x).
- Ex. W-11/30-7-91 : Letter from father to Management (xerox).
- Ex. W-12/ 31-7-91 : Affidavit of V. Murugan (Xerox).

- Ex. W-13/4-9-91 : Order of the Additional Chief Metropolitan Magistrate (xerox).
 Ex. W-14/6-9-91 : Enquiry Officer's order (xerox).
 Ex. W-15/10-9-91 : Birth certificate issued by Corporation of Madras (xerox).
 Ex. W-16/16-12-91 : Enquiry officer's order (xerox).
 Ex. W-17/14-1-92 : Reply to show cause notice (xerox).
 Ex. W-18/20-3-92 : Notice of personal hearing (xerox).
 Ex. W-19/4-5-92 : Order of dismissal (xerox).
 Ex. W-20/16-5-92 : Appeal preferred by petitioner (xerox).
 Ex. W-21/22-6-92 : Appeal rejected by Chairman (xerox).

For Respondent-management :

- Ex. M-1/19-11-79 : Letter from Murugan to give employment to his son (xerox).
 Ex. M-2/11-1-80 : Certificate produced by Murugesan saying that Sundaram is his son (xerox).
 Ex. M-3/18-1-80 : Letter from Murugan to the same effect (xerox).
 Ex. M-4/15-3-91 : Complaint from Murugan saying Sundaram is Sampath and not his son (xerox).
 Ex. M-5/3-5-91 : Statement of Ganesan S/o Rajammal born to her first husband (xerox).
 Ex. M-6/27-5-91 : Order of suspension (xerox).
 Ex. M-7/24-6-91 : Letter to Director of School Education (xerox).
 Ex. M-8/27-6-91 : Statement of Sundaram (xerox).
 Ex. M-9/1-7-91 : Statement of Kannan (xerox).
 Ex. M-10/1-7-91 : Statement of Gobi (xerox).
 Ex. M-11/1-7-91 : Statement of Balakumar (xerox).
 Ex. M-12/3-7-91 : Statement of Balusamy (xerox).
 Ex. M-13/26-10-91 : Letter of D.F.O. to Labour Officer (xerox).
 Ex. M-14/25-11-91 : Evidence of Murugan with cross-examination (xerox).
 Ex. M-15/4-12-91 : Continuation of evidence of Murugan in full (xerox).
 Ex. M-16/4-12-91 : Evidence of Maya, D/o. Rajammal born to her first husband (xerox).
 Ex. M-17/4-12-91 : Evidence of Raju & Kalki (xerox).
 Ex. M-18/6-12-91 : Evidence of Balusamy (xerox).
 Ex. M-19/6-12-91 : Evidence of Gobi (xerox).
 Ex. M-20/6-12-91 : Evidence of Balakumar (xerox).
 Ex. M-21/6-12-91 : Evidence of Ganesan (xerox).
 Ex. M-22/12-12-91 : Evidence of Dharmalingam (xerox).
 Ex. M-23/6-1-92 : Show cause notice proposing punishment of dismissal (xerox).
 Ex. M-24/7-3-92 : Personal hearing fixed to 9-3-92 (xerox).
 Ex. M-25/9-3-92 : Requisition for copies of statements (xerox).
 Ex. M-26/10-3-92 : Copies furnished by M. Sundaram as required by Management (xerox).
 Ex. M-27/4-5-92 : Order of dismissal (xerox).
 Ex. M-28/4-5-92 : Statement of Sampath (xerox).
 Ex. M-29/4-5-92 : Statement of Sundaram (xerox).
 Ex. M-30/7-3-92 : Notice given for personal hearing by the respondent (xerox).
 Ex. M-31/9-2-92 : Reply by the petitioner (xerox copy).
 Ex. M-32/20-3-92 : Notice given for personal hearing by the respondent (xerox).
 Ex. M-33/20-3-92 : Opinion of the Management (xerox).

नई दिल्ली, 3 जून, 1999

का.आ. 1856:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मद्रास पोर्ट ट्रस्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-99 को प्राप्त हुआ था।

[सं. एल.-33012/1/95-आई.आर. (विविध)]
 बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1856.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Madras Port Trust and their workman, which was received by the Central Government on the 3-6-1999.

[No. L-33012/1/95-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
 TAMIL NADU, CHENNAI

Thursday, the 12th day of November, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,
 Industrial Tribunal.

Industrial Dispute No. 86 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the workmen and the Management of Madras Port Trust, Madras).

BETWEEN

The workman represented by :

The President,
 Madras Port Trust Employees Union,
 "S.C.C. Anthony Pillai Bhavan",
 9, Second Line Beach,
 Madras-600001.

AND

The Chairman,
 Madras Port Trust,
 Rajaji Salai,
 Madras-600001.

REFERENCE :

Order No. L-33012/1/95-IR(Misc.), Ministry of Labour dt. 8-8-95, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Thiru R. Arumugam, Advocate appearing for the respondent-management and upon perusing the reference, and other connected papers, and the petitioner being absent, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Madras Port Trust, Madras in denying the promotion from Hindi Typist to post of Junior Assistant to Shri T. V. Subramaniam, Hindi Typist, in terms of Bipartite settlement dt. 1-1-78 is just, proper, and legal ?

If not, to what relief is the workman entitled to ?"

Petitioner served. Petitioner called absent. Dismissed for default.

Dated, this the 12th day of November, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 4 जून, 1999

का.आ. 1857 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूरसंचार विभाग के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-99 को प्राप्त हुआ था।

[सं. एल.-40012/114/97-आई.आर. (डी.यू.)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th June, 1999

S.O. 1857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Deptt., and their workman, which was received by the Central Government on the 4-6-1999.

[No. L-40012/114/97-IR(DU)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 17th day of December, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,
Industrial Tribunal.

Industrial Dispute No. 89 of 1998

1759 GI/99—28

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workmen and the Management of General Manager, Telecom, Chennai-2).

BETWEEN

Sh. A. Neelamegam,
347, A, Kasturi Bai Street,
Kitchipalayam,
Salem-636015.

AND

(1) The Chief General Manager,
Telecom,
Tamil Nadu Circle,
Chennai-600002.

(2) The General Manager,
Telecom,
Salem-636007.

REFERENCE :

Order No. L-40012/114/97-IR(DU), Ministry of Labour, dated 19-6-98, Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Mr. D. N. Kumar, Advocate appearing for the respondent-management, upon perusing the reference, and other connected papers, and the petitioner being absent, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Telecom in terminating the services of Shri A. Neelamegam, w.e.f. 26-9-88 when the work is available and he was reengaged subsequently on 1-7-89 is justified or not? If not, to what relief the workman is entitled to?"

Petitioner served. Petitioner called absent. Dismissed for default.

Dated, this the 17th day of December, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 4 जून, 1999

का.आ. 1858 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिस्टेन्डेंट ऑफ पोस्ट ग्रामिनेस नागापट्टीनम् के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-99 को प्राप्त हुआ था।

[सं. एल.-40012/190/95-आई.आर. (डी.यू.)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th June, 1999

REFERENCE :

S.O. 1858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Superintendent of Post Offices, Nagapattinam and their workman, which was received by the Central Government on the 4-6-1999.

[No. L-40012/190/95-IR(DU)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Friday, the 13th day of November, 1998

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,

Industrial Tribunal.

Industrial Dispute No. 92 of 1997

(In the matter of adjudication under Section 10(1)(d) of the I.D. Act, 1947, between the Workmen and the Management of Superintendent of Post Offices, Nagapattinam).

BETWEEN

The workman represented by :

Sh. S. Ravichandran,
S/o Soundarrajan,
Agarathiruppu Village,
Kangalanchery-610101.
Nagai Q.M. Dist.

AND

1. The Superintendent of Post Offices, Nagapattinam Division, Nagapattinam-611001.
2. The Sub-Divisional Inspector Postal, Thiruvarur, Sub-Division, Tiruvarur-610001.

Order No. L-40012/190/95-IR(DU), Ministry of Labour, dt. 26-9-97 Government of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of S. Srinivasan, Addl. Standing Government Counsel, appearing for the respondent-management, upon perusing the reference and other connected papers, and the petitioner being absent, this Tribunal passed following.

AWARD

This reference has been made for adjudication of the following issue :

Whether the action of the management of Superintendent of Post Offices, Nagapattinam in terminating the services of Shri S. Ravichandran is legal and justified. If not, to what relief the workman is entitled for?"

Petitioner called absent. No representation. Claim statement not filed. Dismissed for default.

Dated, this the 13th day of November, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 4 जून, 1999

का.आ. 1859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हेवी व्हीकल फैक्ट्री के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, मतभेद में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-99 को प्राप्त हुआ था।

[सं. एल.-14012/24/93-आई.आर. (डी.यू.)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th June, 1999

S.O. 1859.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Chennai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Heavy Vehicles Factory and their workman, which was received by the Central Government on the 4-6-99.

[No. L-14012/24/93-IR(DU)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 11th day of February 1999

Present :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial
Tribunal.

INDUSTRIAL DISPUTE NO. 187 of 1994

(In the matter of the dispute for adjudication
under Section 10(1)(d) of the Industrial
Disputes Act, 1947 between the Workman
and the Management of Heavy Vehicles
Factory, Madras).

BETWEEN

Shri S. Dillibabu,
No. 32, Arunagirinather Street,
Kamaraj Nagar,
Madras-71.

AND

The General Manager,
Heavy Vehicles Factory,
Avadi, Madras-600 010.

REFERENCE :

Order No. L-14012/24/93-IR(DU), Ministry of
Labour, dated 3-10-94, Govt. of India, New
Delhi.

This dispute coming on for final hearing on Monday, the 14th day of December 1998, upon perusing the reference, claim, counter statements and all other material papers on record, upon hearing the arguments of Tvl. G. Justin & K. Senthilkumar, Advocates appearing for the petitioner and of Thiru R. Karunakaran, Addl. Central Govt. Standing Counsel, appearing for the respondent-management, this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Heavy Vehicles Factory in terminating the services of Shri S. Dillibabu w.e.f. 28-8-1984 is proper, legal and justified ? If not, to what relief the workman is entitled ?"

2. The main averments found in the claim statement are as follows : The petitioner was selected and appointed by the respondent as Blacksmith (C) by order dated 27-7-81 in the scale of pay of Rs. 210--290. The petitioner worked in terms of the said appointment from 5-8-81 to 31-5-82 without any break. Again by order dated 3-11-81 petitioner was once again appointed in the same post. In the year 1981-1982, petitioner worked for 264 days. By orders dt. 17-9-83, 10-11-83, 17-12-83, 3-2-84, 21-3-84, and 18-5-84 and finally 14-7-84 petitioner was given appointment as casual blacksmith in the same scale of pay and petitioner worked for a total period of 308 days for the year 1983-84 with artificial breaks. Totally the petitioner has worked for 572 days under the respondent. Number of casual workers who were recruited alongwith the petitioner were given regular appointment. The particulars are given below :

1. M. Babu—Token No. 113 Blacksmith 'C'
2. M. Nithyanandam—T. No. 114 Blacksmith 'C'

3. Deva Anbu—T. No. 78191 Blacksmith 'C'. All of them are working in Forge shop, Heavy vehicles factory, Avadi, Madras. Petitioner alone was discriminated and he was not appointed. Without considering the claim of the petitioner, the fresh recruitment for the post of Blacksmith 'C' was made by the respondent in gross violation of Sec. 25G of the I.D. Act, 1947. When the respondent terminated the services of the petitioner on 28-8-84, no notice or retrenchment compensation was given to the petitioner. Hence termination of the petitioner on 28-8-84 is void and against Sec. 25F of the I.D. Act, 1947. The termination of the petitioner from service is not for any reasonable cause. Since the petitioner's termination is against the provisions of the I.D. Act, the termination is void and the respondent is bound to reinstate the petitioner in service with all benefits including continuity of service, arrears of salary etc. The petitioner prays to pass an award to set aside the termination of the petitioner dt. 28-8-84 and direct the respondent to reinstate the petitioner in service with all benefits.

3. The main averments found in the counter statement filed by the respondent are as follows : Ordnance factory is not an industry under definition given under I.D. Act, 1947 in view of the fact that these factories perform sovereign functions of Central Government, Ministry of Defence catering needs of the Indian Army. Employees of Ordnance Factories are Central Civil Service Personnel and this respondent is empowered to frame rules to regulate the services of its employees vide Article 311 and 312 of the Constitution of India. In view of the above, the appropriate forum to agitate any matter pertaining to

service conditions is Central Administrative Tribunal only. Heavy Vehicles Factory required some Blacksmith 'C' grade purely on casual basis. The requirement was notified to Employment Exchange vide requisition letter dt. 2-8-80. The petitioner's name was also sponsored by the Employment Exchange and after an interview alongwith the other candidates, petitioner was found suitable for the post of Blacksmith 'C' grade. He was issued with appointment order dated 27-7-81 for the post of Blacksmith for a period of 3 months on casual basis. He joined duty 5-8-81 and his services were terminated on 4-11-81. Based on the requirements, he was offered appointments purely on casual basis at different spells, as shown below :

Date of appointment	Period of Spell	Date of completion of spell
1	2	3
1. 05-08-81	3 months	04-11-81
2. 13-11-81	3 months	12-02-82
3. 03-03-82	3 months	31-05-82
4. 23-09-83	44 days	01-11-83
5. 10-11-83	34 days	13-12-83
6. 20-12-83	44 days	31-01-84
7. 03-02-84	44 days	16-03-84
8. 22-03-84	44 days	04-05-84
9. 18-05-84	44 days	30-06-84
10. 16-07-84	44 days	26-08-84

After lapse of 10 years he has filed the present Industrial dispute in the year 1994 before this Tribunal. Delay in filing the industrial dispute was not explained by the petitioner. So, this petition has to be dismissed in limine. Petitioner's contention that he worked on casual basis from 5-8-81 to 31-12-82 is not correct. In the appointment order issued to the applicant, the period of casual appointment has been clearly stated. Applicant's contention that he was offered casual appointment with artificial break is not correct. Petitioner was lastly appointed on casual basis for a specific period of 44 days i.e. 16-7-84 and his services were terminated on 28-8-84. No candidate by name M. Babu and Nithyanandan were selected for casual appointment in the trade of blacksmith.

However, Devanbu was appointed on compassionate grounds as Blacksmith on 8-8-86. Petitioner cannot claim for appointment to the post of Tool Hardner 'C' in the respondent factory where his services were terminated in 1984. This case is hopelessly barred by laches. Respondent prays to dismiss the claim statement.

4. On behalf of the petitioner, petitioner was examined as WW1 and Ex. W-1 to W-12 were marked. On behalf of the respondent Thiru M.M. Narasimhan, of the Law Department was examined as MW1 and Ex. M-1 to M-17 were marked.

5. The point for consideration is : Whether the action of the management of Heavy Vehicles Factory in terminating the services of Sh. S. Dilli Babu w.e.f. 28-8-1984 is proper, legal and justified? If not, to what relief the workman is entitled ?"

6. The Point :—The petitioner Th. S. Dilli Babu was appointed as Blacksmith by Ex. W-1 order dated 27-7-81 for 3 months. His services were terminated once in 3 months or after 44 days as found in Ex. W-1 to W-10 and Ex. M-1 to M-15. Between 5-8-81 to 14-7-84 the petitioner has been given appointment orders with some breaks of few days between each appointment order and thus petitioner has worked from 5-8-81 till 28-8-84 as Blacksmith. Under the respondent with certain intermittent breaks which are called as artificial breaks by the petitioner. The petitioner claimed that he worked from 5-8-81 till 28-8-84 with some intermittent breaks as admitted by the respondent in para 6 of the counter filed by the respondent. In the para 6 of the counter, in the appointment dated 10-11-83 to 13-12-83 respondent has wrongly mentioned as 34 days instead of 44 days. A perusal of Ex. W-5 appointment order dt. 10-11-83 will show that petitioner was appointed for 44 days and not 34 days which may be inadvertant error in para 6 of the counter. Since the petitioner was not confirmed or regularly appointed by the respondent, in April 1992, the petitioner raised a dispute by sending Ex. W-11 application. The reply statement filed by the respondent before the Regional Labour Commissioner is Ex. W-12 wherein the respondent has contended that (1) Respondent is an Ordnance factory under the Ministry of defence which has got its own rules to regulate the services of its employees vide Article 311 and 312 of the Constitution of India. The Ordnance factories are not "Industry" under the definition given in the I.D. Act, 1947 in view of the fact that these factories perform sovereign functions of Central Government. (2) Petitioner was appointed only on casual basis and though some casual blacksmiths were appointed for the post of Tool Hardner

they were selected from the names sponsored by Employment Exchange while the petitioner was not sponsored by the Employment Exchange.

(2) That the appointment and termination of the petitioner was notified well in advance and therefore the petition is not maintainable.

7. As regards the first contention that the respondent is an Ordnance Factory which performs sovereign functions of the Central Government of the Ministry of Defence catering needs of Indian Army is not an industry as defined in the Industrial Disputes Act, 1947 and in support of the said contentions, even in the counter statement the respondent has mentioned the case of **BANGALORE WATER SUPPLY AND SEWERAGE BOARD Vs. A. J. RAJAPPA & ORS.** reported in 1978 1 LLJ P. 349. Even in the above said case, the Hon'ble Apex Court in para 47 at page 375 has held as follows :

"Although we are not concerned in this case with those categories of employees who particularly come under departments charged with responsibility for essential constitutional functions of Government, it is appropriate to state that if there are industrial units severable from the essential functions and possess an entity of their own it may be plausible to hold that the employees of the units are workmen and those undertakings are industries. A blanket exclusion of every one of the host of employees engaged by Government in departments falling under general rubrics like, justice, defence, taxation, Legislature, may not necessarily be thrown out of the umbrella of the Act. We say no more except to observe that closer exploration, not summary rejection is necessary."

At page 405 of the said case, the Hon'ble Supreme Court has held as follows :

"Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable then they can be considered to come within S.2(j)."

In 1994 2 LLJ P. 665, **SOUNDARRAJAN & ORS. Vs. SECRETARY TO GOVT. OF INDIA, MINISTRY OF LABOUR & ORS.** the case relating to Ordnance factory at Madras, the Hon'ble Madras High Court has held as follows :

"Sec. 2(j) of the Act defines "industry" and it is to the following effect, as it stands today :
... "industry means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or a vocation of workman..."

There are certain exceptions given to the term "industry" one of which is any activity of the Government relating to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy, and space. In the above mentioned decision in **Union of India Vs. Central Government Industrial Tribunal (supra)** the learned judge has considered the definition of "industry" and held that the definition is of very wide import and should be interpreted in a manner so as not to whittle down but to advance the object of the Act and came to the conclusion that the Engineers Store Depot was a defence establishment under the Ministry of Defence and manufactured nuts, bolts, and brackets for running repairs and its functions related primarily to the holding of stores required for defence purposes. In that case, the learned judge has also held that merely because it is a Military Department maintained under the exercise of the regal sovereign functions of the Central Government, the establishment does not cease to be an industry. The Supreme Court in **Bangalore Water Supply Vs. A. Rajappa (1978 1 LLJ 349)** exhaustively discussed the scope of industry which is defined under Sec. 2(j) of the Act and held as follows:

"... Sovereign functions, strictly understood (alone) qualify for exemption, not the welfare activities, or economic adventures undertaken by Government or statutory bodies ...". Even in departments discharging sovereign functions, if there are units which are industries, and they are substantially severable, then they can be considered to come within Sec. 2(j)..."

In 1990 2 LLJ P. 577, the Hon'ble Apex Court has held as follows (**R. SREENIVASA RAO Vs. LABOUR COURT, HYDERABAD & ORS.**).

"In **Bangalore Water Supply & Sewerage Board Vs. A. Rajappa (supra)** Krishna Iyer J. under proposition IV at the end of the judgment, held that sovereign functions, strictly understood, qualify for exemption, not the welfare activities or economic adventures

undertaken by Government or statutory bodies. Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come under the definition of "industry". Chandrachud, J (as then he was) also had occasion to consider whether an economic activity of the Govt. which is not in pursuance to Sovereign functions of the State would amount to 'industry' and held that the sovereign or regal functions of the State are to be confined to the inalienable functions of the State i.e. exercise of legislative power, administration of justice, and maintenance of law and order.

Therefore, in as much as the sovereign functions are to be restricted to 'administration' of Justice and maintenance of order and prevention of crime or otherwise legislative powers, administration of the laws and the exercise of judicial power and in as much as the activities of the NRSA do not come under these categories, it must be held that the NRSA is an 'industry' falling under S. 2(j).

From the citations mentioned above in the judgements of the Apex Court and High Court it is clear that when the functions of the respondent are severable from the sovereign functions the respondent could come well within the definition of 'industry' is denied in the Industrial Disputes Act, and therefore this dispute is maintainable before this Tribunal.

8. The next contention of the respondent is that the name of the respondent was not sponsored by Employment Exchange when called for and therefore, he was not appointed. The recruitment rules of the respondent have not been produced before this Tribunal. In Ex. W-1 to W-10 appointment orders nothing is mentioned about the sponsoring by the Employment Exchange. In para 6 of the counter filed by the respondent, the respondent has mentioned as follows:

"Accordingly recruitment was notified to the Employment Exchange vide our requisition letter No. 021112/80/LB dated 2-8-80. In response to our regulation the petitioner Shri S. Dilli Babu was also sponsored by the Employment Exchange. He was also interviewed alongwith other candidates and found suitable for the post of Blacksmith "C" grade."

In view of the significant admission made by the respondent in para 6 of the counter where name of the petitioner was also sponsored by the Employment Exchange and was interviewed with the other candidates and found suitable for the post, the present contention of the respondent that the name of the petitioner was not sponsored by the Employment Exchange is not correct. After initial appointment order dt. 27-7-81 the respondent has made fresh appointment orders 9 times with some breaks between each period of appointment.

9. The next contention of the respondent is that the appointment and termination of services was intimated to the petitioner well in advance and therefore he cannot have any claim over his appointment or regular post. In para 6 of the counter, the respondent has admitted the number of days worked by the petitioner. In each appointment order Ex. W-1 to W-10 number of days for which the petition is appointed is mentioned. Os per Ex. W-1, 2 and 3 orders dated 27-1-81, 13-11-81 and 3-3-82 petitioner has been appointed for 3 months on each occasion. In subsequent 7 occasions petitioner has been appointed for 44 days on each occasion. The petitioner has worked from 5-8-81 to 28-8-84 with intermittent breaks. On 28-8-84 the date on which he was terminated he has worked for more than 240 days in a year as admitted by the respondent in para 6 of the counter. In fact in 1983-84 he has worked for 30 days. Between 23-9-83 to 28-8-84 he has been given seven appointment orders each for 44 days and the total number of days worked is 308 days. The learned counsel for the respondent urged that the service of the petitioner was not continuous and was with some intermittent and artificial breaks and therefore the respondent cannot be considered as continuous service for 240 days and therefore, there is no question of violation of Sec. 25F of the I.D. Act, 1947. A Division Bench of our Hon'ble High Court in 1991 I LLJ P 155 STATE BANK OF INDIA, MADRAS Vs. CENTRAL GOVT INDUSTRIAL TRIBUNAL, MADRAS & ANR. has held as follows:

"On a plain reading of Ss. 25F(a) and 25F(b) it follows that no workman, employed in an industry, who has been in continuous service for not less than one year under an employer shall be "retrenched" by the employer without notice and recording reasons for retrenchment until he has been paid at the time of retrenchment, compensation which shall be equivalent to 15 days' average pay for every completed year of service or any part thereof in excess of six months. What is "retrenchment" does not require any speculation on our part as S.2(cc) of the Act defines it in the following terms.

"2(oo) "retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of the employment between the employer and the workman concerned contains a stipulation in that behalf; or
- (c) termination of the service of a workman on the ground of continued ill-health."

The use of expression "for any reason whatsoever" occurring in the same section unmistakably shows that every termination of service spells retrenchment and, therefore, if there has been termination of service of an employee by an employer, otherwise than by way of punishment, it shall be deemed to be retrenchment, except of course in the cases falling in the exceptions contained in clause (a) to (c) of S. 2(oo) (supra).

Termination, as observed by their Lordships of the Supreme Court in *State Bank of India Vs. Sundaramony* (1976 I LLJ 478) embraces not merely the act of termination by the employer, but, "the fact of termination, however produced". However, if the services of a workman have been terminated he would be entitled to the "retrenchment benefits" under Sec. 25F of the Act only if he had been in continuous service, for not less than one year, under an employer in accordance with the conditions prescribed under Clas. (a) to (c) of Sec. 25F.

What then does "continuous service" for not less than one year mean? Sec. 25B provides the answer.

For our purposes, we need to notice the provisions of Ss. 25(B)(1), 25B (2) (a)(i) and 25B(2)(a)(ii) which read thus,

"25B. Definition of continuous service—For the purposes of this chapter 1. the workman shall be said to be in continuous service for a period if he is, for that period in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal or lockout or a cessation of work which is not due to any fault on the part of the workman;

- (2) where a workman is not in continuous service within the meaning of Clause 1 for a period of one year or six months, he shall be

deemed to be in continuous service under an employer.

- (a) for a period of one year, if the workman, during a period of 12 calendar months proceeding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

1. 190 days in the case of a workman employed below ground in a mine, and
2. 240 days in any other case."

It would thus be seen that the definition of expression "continuous service" is a phrase with words, "for the purpose of this chapter" which means that the effect of continuous or uninterrupted service in terms of this definition is to be limited only for the purposes of Chapter VA that is for the purpose of calculation, quantifying and making payment of compensation under the provisions contained in Chapter VA. The definition of "continuous service" there is of limited and not universal application but for the purposes of instant case that makes no difference.

Sec. 25(B)(i) talks of an uninterrupted service to include service which may be interrupted on account of fitness or authorised leave or an accident or a strike which has not been declared illegal or a lock-out or cessation of work which is not due to any fault on the part of the workman but that is an independent clause which neither governs nor controls the immediately succeeding clause. Ss.2 of Sec. 25B of the Act governs the situation where a workman is not in continuous service within the meaning of Sub. S.1 of Sec. 25B. It is laid down in sub-clause (a)(1) and (a)(2) of Sec. 25B(2) that where a workman has not been in uninterrupted service for a period of one year or six months as provided in Clause 1 of Sec.25B he shall still be deemed to be in continuous service under the employer for a period of one year if during the period of 12 calendar months preceding the date with reference to which calculation is to be made the said workman has actually worked under that employer for not less than 190 days in the case of workman employed below ground in a mine and for not less than 240 days in any other case as per Sub-clause (a)(ii). Thus, the conclusion follows that where a workman has not been in "continuous service" within the meaning of Sub-Sec. (1) for the entire period of one year or six months, he shall still be, deemed to be in continuous service under the employer for a period of six months as the case may be, if he, during the period of 12 calendar months, just preceding the date with reference to which the calculation is to be made has

actually worked under the employer for not less than 240 days. The argument of Sri Narayanaswamy, that there should have been a subsisting contract of employment during the entire period of 12 months for calculating 240 working days may have reference to S 25B(1) but is not supported by the plain phraseology of S. 25B(2)(a)(ii) of the Act (supra). It appears to us that the thrust of the above provisions is the existence of the relationship of master and servant for the period during which a workman has actually worked during the preceding 12 months, from the relevant date and not the existence of a contract of employment during the entire period of 12 months. To hold otherwise would amount to making Ss. 25(B) (2)(a)(i) and 25B 2(a)(ii) of the Act redundant and defeating the intention of the Legislature. The deeming provision in S. 25B(2) of the Act by fictionally treating interrupted service under certain conditions also as continuous service was introduced by the Legislature apparently to mitigate the hardships of a workman who is made to actually serve under an employer, intermittently, but actually services him for a period of not less than 240 days in the preceding twelve months from the date of his services were terminated. While dealing with the concept of continuous service under the Payment of Gratuity Act, 1972, which provisions are in parimateria almost the same as the provisions under consideration under the Industrial Disputes Act, a Division Bench of the Bombay High Court in *Bombay Union Dyeing and Bleeding Mills Vs. Narayan Takaram More* and another (1980 II LLJ 424) held that the emphasis therein is not on a subsisting contract of employment but on rendering continuous service. The Bench observed that notwithstanding the position that in the definition of continuous service, interrupted service has been fictionally treated as a part of continuous service the fact remains that the concept of continuous service contemplates that the employee is in fact rendering service as distinguished from a mere subsistence of a contract of employment. The definition of continuous service under the Payment of Gratuity Act, provides in explanation I to S 2(e) that in the case of an employee, who is not in uninterrupted service for one year, he shall still be deemed to be in continuous service, if he has been actually employed by an employer during the 12 months immediately preceding the year for not less than 240 days, except

where he is employed in a seasonal establishment. The emphasis therein is on the expression "actually employed" in contradiction to the expression under the subsisting contract of employment throughout. The judgment of the Bombay High Court came up for consideration before the Apex Court in *Lalappa Lingappa Vs. Laxmi Vishnu Textile Mills Ltd.*, (1981 I LLJ 308) and it would be advantageous to extract the following observations of their Lordships in Para 16 at page 313 :

"In our judgment, the High Court rightly observed : It is important to bear in mind that in Explanation I the Legislature has used the words "actually employed" If it was contemplated by Explanation I it was sufficient that there should be a subsisting contract of employment, then it was not necessary for the Legislature to use the words "actually employed". It is not permissible to attribute a redundancy to the Legislature to defeat the purpose of enacting the explanation. The expression "actually employed". in explanation I to S. 2(c) of the Act must, in the context in which it appears, means 'actually worked'. It must accordingly be held that the High Court was right in holding that the permanent employees were not entitled to payment of Gratuity under Sub-sec(1) of S. 4 of the Act for the years in which they remained absent, without leave and had actually worked for less than 240 days in a year."

Under the Industrial Disputes Act, the emphasis in S. 25B(2)(a) (ii) is on the days "actually worked" where a workman can establish as indeed the onus is on him to so establish that working backwards to a period of 12 months, just preceding the date of his retrenchment, he had actually worked for a period of 240 days during those 12 months under the same employer, then notwithstanding the number of interruptions in his service on account of reasons other than those which disqualify him for getting the benefit of the fictional service, he would be deemed to have been in continuous service for a period of one year and would satisfy the eligibility qualification enacted by the Legislature in S. 25F of the Act.

In *Workmen of American Express International Banking Corporation Vs. American Express International Banking Corporation* (1985 II LLJ 539) the Apex Court opined that for interpreting the expression "continuous service" the words actually worked have utmost importance and the Legislature had laid emphasis to these words and there was, therefore, no scope for the argument that irrespective of the period when a workman has actually worked, he must also establish that he was in service for the entire period of 12 months to claim the protection and benefit of S.25F of the Act. Again in *State Bank of India Vs. Sundaramony* (supra) while dealing with the right to retrenchment benefit of a workman in a dispute between the State Bank of India and one of its workmen, the apex Court found that for computing "continuous service" for purposes of entitlement to retrenchment benefits, what was relevant to consider the days on which the workman had actually worked under an employer, during the preceding 12 months, calculated backwards from the date of retrenchment and went on to observe that the provisions of S.25F could not be allowed to be defeated by reading something non-existent in S.2(oo) or S.25B(2) of the Act.

The position, therefore, which emerges from the above discussion as regards the ambit and scope of S.25F read with S.25B(2)(a)(ii) and S.2(oo) of the Act is that no workman employed in an industry who has actually worked under the employer continuously for not less than one year shall be retrenched except following the procedure laid down in S.25F of the Act that the termination of service of an employee by an employer, otherwise than on account of punishment or on grounds stipulated by Clause(a) to (c) of Sec.2(oo) would amount to retrenchment of the employee, entitling him to the protection of S.25F a workman would be deemed to have been in continuous service for a period of one year in the preceding 12 months, calculated backwards from the date of termination of the services, if he has actually worked during the preceding 12 months under the employer for not less than 240 days, despite interruptions of his services during the said period of 12 preceding months, except in the cases specified in S.25B(a) (a)(ii) itself."

The facts of this case are similar to the facts found in the above judgement of the Hon'ble Division Bench 1759 GI/99-29

of the Madras High Court in the sense that in the 12 months period immediately preceding the date of termination, petitioner has worked for 308 days, i.e. far more than a minimum required number of days i.e. 240 days. But the respondent has neither issued him notice nor paid any compensation as found in Sec 25F of the I.D. Act, 1947. Sec. 25F of the I.D. Act, 1947 reads as follows :

Conditions precedent to retrenchment of Workmen.—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice.
- (b) the workman has been paid, at the time of retrenchment compensation which shall be equivalent to fifteen days : average pay (for every completed year of continuous service) or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the official Gazette).

Since the respondent has violated Sec. 25F of the I.D. Act, 1947 the respondent is bound to reinstate the petitioner with backwages and other attendant benefits. But there are lapses on the part of the petitioner also. Though he has been terminated in August 1984 he has raised dispute only in 1992 by way of petition before the Regional Labour Commissioner. Therefore, the petitioner is not entitled for backwages till April 1992.

In the result, award passed holding that the termination of the petitioner on 28-8-1984 is not justified and the petitioner is entitled to be reinstated with backwages from April 1992 and all other attendant benefits like continuity of service. Award passed. No costs.

Dated, this the 11th day of February 1999

S. ASHOK KUMAR, Industrial Tribunal.

WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru Dilli Babu

For Respondent-management :

M.W.1 : Th. N.M. Narasimhan (Chief Manager)

DOCUMENTS MARKED

For Petitioner-workman :

Ex. W-1/27-7-81 : Appointment order of Blacksmith for three months (xerox)

W-2/13-11-81 : -do-

W-3/3-3-82 : -do-

W-4/17-9-83 : -do- for 44 days (xerox)

W-5/10-11-83 : -do-

W-6/17-12-83 : -do-

W-7/3-2-84 : -do-

W-8/21-3-84 : -do-

W-9/18-5-84 : -do-

W-10/14-7-84 : -do-

W-11/ --- : Petition u/s. 2A of the I.D. Act, before R.L.C. (xerox copy)

W-12/15-2-93 : Reply statement filed by the respondent before the Labour Court (xerox)

For Respondent-management :

Ex.M.1/31-8-81 : Showing casual appointment of the petitioner in the trade of Blacksmith 'C' for a period of 3 months w.e.f. 5-8-81 (xerox)

M-2/29-10-81 : Showing the termination of the petitioner from the Casual appointment w.e.f. 4-11-81 (xerox)

M-3/28-11-81 : Appointment for 3 months w.e.f. 13-11-81 (xerox)

M-4/6-2-82 : Termination w.e.f. 12-2-82 (xerox)

M-5/27-3-82 : Appointment w.e.f. 3-3-82 (xerox)

M-6/19-5-82 : Termination w.e.f. 3-3-82 (xerox)

M-7/26-9-83 : Appointment w.e.f. 23-9-83 (xerox)

M-8/7-11-83 : Termination w.e.f. 2-11-83 (xerox)

M-9/19-12-83 : -do- 13-12-83 (xerox)

M-10/27-12-83 : Appointment w.e.f. 20-12-83 (xerox)

M-11/9-1-84 : Termination w.e.f. 31-1-84 (xerox)

M-12/17-12-84 : Appointment w.e.f. 3-2-84 & termination w.e.f. 16-3-84 (xerox)

M-13/27-3-84 : Appointment w.e.f. 22-3-84 & termination w.e.f. 4-5-84 (xerox)

M-14/28-5-84 : Appointment w.e.f. 18-4-84 & termination w.e.f. 30-6-84 (xerox)

M-15/18-7-84 : Appointment w.e.f. 16-7-84 & termination w.e.f. 28-8-84 (xerox)

M-16/12-4-84 : HWF letter addressed to O.F. Board letter No. 427/IIVF AL. (xerox)

M-17/24-6-86 : For approval of Compassionate appointment of Shri Devanbu (xerox).

नई दिल्ली, 4 जून, 1999

का.आ. 1860.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रिन्सीपल, नवोदय विद्यालय जिला-बाडमेर के प्रबंधन के संदर्भ निशेजों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण व श्रम न्यायालय जोधपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 4-6-99 को प्रकाशित हुआ था।

[म. एन-12012/29/97-आई.आर. (डोयु)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th June, 1999

S.O. 1860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-cum-Labour Court, Jodhpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Principal, Navodaya Vidyalaya, Distt. Barmer and their workman, which was received by the Central Government on the 4-6-99.

[No. L-42012/29/97-IR(DU)]

B. M. DAVID, Desk Officer

अनुबंध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय जोधपुर

पीठासीन अधिकारी:—श्री नंदमल नोनवा,
आर. एच. जे. एम्.

श्री. विवाद (केन्द्रीय) संख्या :—5/1998

श्री नरसिंहराम पुन कृष्णराम जयिजे जगन्नाथ सैक्रेटरी
अखिल भारतीय ट्रेड यूनियन कांग्रेस (ए.आई.टी.यू.सी.)
चौधरी अन्न, नयापरा बायोसरा।

—प्रार्थी

बनाम

प्रिन्सीपल नवोदय विद्यालय पचयदरा भागर, जिला बाडमेर
(राज.)

—अप्रार्थी

उपस्थिति :—

(1) प्रार्थी की ओर से श्री छगन देवा प्रतिनिधि उप.

(2) अप्रार्थी की ओर से श्री पी. एम्. टेकाले प्रतिनिधि उप.

अभिनिर्णय

दिनांक 11-5-1999

श्रम मंत्रालय, भारत सरकार भी विज्ञप्ति संख्या 42012/29/97-आर्.आर. (डी.यू.) दिनांक 16 अप्रैल, 1998 से श्रमिक कर्मचारी तथा उसके नियोजक के मध्य उत्पन्न हुआ निम्नान्वित विवाद अधिनियम हेतु इस श्रम न्यायालय/अधिकरण का प्रेषित किया तथा दिनांक 10-7-98 को निरमित बाद सप्ताह 5/98 पंजीयित हुआ :-

"Whether the action of the Principal, Navodaya Vidyalaya, Pachpadra Nagar, Dist. Barmer in terminating the service of Shri Narsingh Ram w.e.f. 1-4-96 is legal & justified? If not, to what relief the concerned workman is entitled?

उपरोक्तानुसार विवाद दिनांक 1-4-96 से आवेदक श्रमिक श्री नरसिंह राम की सेवामुक्ति की वैधानिकता से संबंधित है तथा आवेदक श्री नरसिंह राम ने इसे अधैधानिक व अनुचित बताते हुए प्रस्तुत किये गये अपने मांग-पत्र में प्रकट किया है कि प्रार्थी विपक्षी के अधीन श्रमिक रहा है तथा उसका सेवाएं 1-4-96 से समाप्त कर दी गई तथा अधिनियम के अन्तर्गत प्रार्थी श्रमिक तथा विपक्षी उसका नियोजक है। आवेदन के अनुसार प्रार्थी की नियुक्ति विपक्षी विद्यालय से वर्ष 1989 बरबोरचो के पद पर बाइमेर में हुई तथा इस नवोदय विद्यालय में प्रार्थी ने सात वर्ष तक लगातार मेहनत व निष्ठा से नियोजक के निर्देशानुसार कार्य किया तथा उसके कार्य से कभी किसी को शिकायत नहीं रही परन्तु उसकी सेवाएं 1-5-96 को मौखिक आदेश से समाप्त कर दी गई। आवेदन में बताया गया है कि प्रार्थी ने 1-5-96 को समाप्त हुए बारह माह में 240 दिनों में अधिक अवधि तक स्थाई प्रकृति के श्रमिक के रूप में कार्य किया तथा वह लगभग सात वर्ष से कार्यरत था तथा बिना किसी नोटिस, नोटिस वेतन व क्षतिपूर्ति प्रदायगी किये तथा अवयगी प्रस्तावित किये उसकी सेवाएं समाप्त कर दी गई कि सेवा समाप्ति के पश्चात् भी उसे नियोजन में लेने के लिये उसने विपक्षी से कई बार अनुरोध किया तथा सेवा समाप्ति का निश्चित में कारण भी मांगा परन्तु उसे सेवा में नहीं लिया गया व ही कोई कारण बताया गया--बताया गया कि सेवा समाप्त करने में अधिनियम की धारा 25-एफ. तथा इसके अन्तर्गत बने हुए नियमों में एवं प्राकृतिक न्याय के सिद्धांतों की अवहेलना की गई तथा सेवा तथा सेवा समाप्ति में पूर्व कार्यरत श्रमिकों की वरिष्ठता सूची भी नहीं बनाई गई--बताया गया कि उक्त कारणों से प्रार्थी पुनर्स्थापित होने का अधिकारी है तथा सेवा समाप्ति से अवतक बेरोजगार है जब कि उनके परिवार का भरण-पोषण का दायित्व उसी पर है। प्रार्थना की गई कि 1-5-96 से सेवा समाप्ति के आदेश को सत्य व निरस्त घोषित किया जाकर उसे सेवा में पुनर्स्थापित किया जाये तथा सम्पूर्ण अवधि के वेतन व अन्य लाभ भी प्रदान किये जाये।

विपक्षी ने अपने उत्तर में बताया है कि विपक्षी जयाहर नवोदय विद्यालय पक्षपद्रा केन्द्रीय सरकार का एक विद्यालय है जिसे भारत सरकार कोताली है-संचालित

करती है तथा संस्थान के कर्मचारी भी केन्द्रीय सरकार के कर्मचारी होते हैं ऐसे शिक्षा विद्यालयों पर श्रम कानून प्रभावी नहीं होते तथा विद्यालयों व शिक्षा विभाग के कर्मचारी सम्बन्धी विवाद इस न्यायालय के परिक्षेत्र से परे रखे गये हैं। बताया गया कि केन्द्रीय सरकार से संबंधित कर्मचारियों के संबंध में शिकायतें सेन्ट्रल एडमिनिस्ट्रेटिव ट्रिब्यूनल द्वारा ही सुनी जाती है तथा इस न्यायालय को कोई क्षेत्राधिकार नहीं है। आवेदन में प्रकृत विवरण के उत्तर में बताया गया कि प्रार्थी को कभी भी विद्यालय में नौकरी पर नहीं रखा गया तथा कभी कोई नियुक्ति-पत्र भी नहीं दिया गया तथा यदि उसे नियुक्त किया जाता तो वह केन्द्रीय सरकार का कार्यालय होने से आवश्यक तौर से नियुक्ति-पत्र जारी होता तथा नियुक्ति में पूर्व इससे संबंधित नमाम औपचारिकताएं जैसे विज्ञापन, रोजगार कार्यालय से नाम मंगाने, साक्षात्कार इत्यादि किये जाते। उत्तर में बताया गया है कि बिना नियुक्ति के कोई भी व्यक्ति विद्यालय का कर्मचारी नहीं हो सकता। उत्तर में यह भी प्रकट किया गया है कि प्रार्थी होस्टल के छात्र, छात्राओं का खाना बनाने का काम करता था तथा जितने बच्चों का खाना बनाया जाता उसके हिसाब से दैनिक वैतनिक कर्मचारी के रूप में प्रार्थी को भुगतान किया जाता था जब कि विद्यार्थी छात्रावास में रहते थे तथा अन्नकाश हो जाने पर मैस बन्द हो जाती थी-इस तरह प्रार्थी का कार्य नियमित प्रकृतिक का नहीं था। यह भी बताया गया कि यदि प्रार्थी नहीं जाता तो अन्य किसी को रखकर भोजन बनवाया जाता था इस तरह भोजन बनाने वाले कर्मचारी दैनिक वैतनिक कर्मचारी होते थे तथा इन कर्मचारियों को कंटीजेन्ट फण्ड में से भुगतान किया जाता था। अप्रैल 1996 में सेवा समाप्ति के संबंध में उत्तर में प्रकट किया गया है कि अप्रैल 96 में मैस बन्द हो गया अतः भोजन बनाने की आवश्यकता ही नहीं पड़ी तथा मैस चालू होने पर व प्रार्थी यदि कार्य करने का इच्छुक होता तो भर्तिस कार्य पर आ सकता था-विद्यालय में विद्यार्थी होने पर तथा भोजन बनाने के इच्छुक विद्यार्थी होने पर ही प्रार्थी को खाना बनाने के लिये भुगतान किया जाता था तथा अप्रैल 96 में तयाम विद्यार्थी चले गये तो प्रार्थी को कार्य पर रखने की आवश्यकता नहीं रही--बताया गया कि प्रार्थी को कार्य में नहीं हटाया गया तथा कभी किसी कनैण्डर वर्ष में प्रार्थी ने 240 दिन या अधिक दिन कार्य नहीं किया। प्रार्थी के स्थाई प्रकृति के श्रमिक होने के बारे में उल्लेख किया गया कि ऐसा कोई निश्चित पद स्वीकृत नहीं है अतः ऐसी नियुक्ति नहीं दी जा सकती एवं प्रार्थी भी स्थाई कर्मचारी की भांति कार्य कर सकता विद्यार्थी पूरे वर्ष नहीं रहते तथा अवकाश व अन्य कारणों से अपने-अपने घर पर चले जाते हैं अतः स्थाई कृक की आवश्यकता नहीं है। उत्तर में यह भी बताया गया कि प्रार्थी कभी भी बेरोजगार नहीं रहा तथा प्रार्थी स्वयं व उसका परिवार कुक का कार्य करते हैं तथा प्रार्थी अपनी भी अन्य स्कूलों के छात्रावासों में

खाना बनाने का कार्य कर रहा है तथा प्राथी व उसके परिवार के सदस्य विवाह समारोह में भोजन बनाने का कार्य करते हैं। व्यय सहित आवेदन अस्वीकार किये जाने की प्रार्थना की गई।

साथ में प्राथी की ओर से स्वयं प्राथी नरसिंहराम का शपथ-पत्र प्रस्तुत किया गया जिसमें आवेदन में अकिता-नुसार बताया गया तथा विपक्षी की ओर से श्री बी.एम. टेकाले का शपथ-पत्र प्रस्तुत किया गया जिसमें उत्तर के अनुसार बताया गया। शपथ गृहताओं से प्रतिपरीक्षण हुआ।

उभयपक्ष के तर्क सुने गये पत्रावली का अवलोकन किया गया।

प्रस्तुत किये गये तर्कों व तथ्यों को देखते हुए सर्वप्रथम प्राथी की कार्य अवधि व कार्यदिवसों के लिए विचार किया जाना है। प्राथी के अनुसार वह सन् 1989 से 1-5-96 तक लगभग सात वर्ष तक लगातार कार्यरत रहा। विपक्षी के अनुसार प्राथी नियमित कार्य पर नहीं था तथा जब-जब आवश्यकता होती उसे छात्रों का भोजन बनाने का तथा उसके कार्य का इच्छुक होने पर कार्य पर लगाया जाता था तथा दैनिक वेतन दर से भुगतान किया जाता था। प्राथी के शपथ-पत्र के अनुसार वह 1989 से 1-5-96 तक लगातार कार्यरत रहा। प्रतिपरीक्षण में प्राथी ने प्रकट किया है कि "मैं विद्यालय में होस्टल में रहने वाले बच्चों के लिए खाना बनाता था, होस्टल में बच्चे रहते थे जब ही खाना बनाता था-साल में दो बार कुल तीन महीने की छुट्टी होती थी तब होस्टल में बच्चे नहीं रहते थे। "इससे स्पष्ट है कि साल में होस्टल 8 से 10 महीने तक प्राथी छात्रावास में भोजन बनाने का कार्य करता था। प्राथी ने इससे इन्कार किया है कि उसने कभी भी एक वर्ष में 240 दिन से अधिक कार्य नहीं किया। विपक्षी के गवाह प्रधानाचार्य श्री बी.एम. टेकाले ने प्रतिपरीक्षण में बताया है कि "प्राथी खाना बनाने का कार्य करता था" प्राथी ने 89 से 30-4-96 की अवधि में विभिन्न समय में कार्य किया परन्तु किसी वर्ष में लगातार 240 दिन कार्य नहीं किया-स्कूल वर्ष में 9 महीने चलता है-स्कूल चलता था तब प्राथी खाना बनाता था-परन्तु आवश्यक नहीं है कि प्राथी ही बनाता था। उत्तर में भी कुछ इस तरह का प्रकट किया गया है कि छात्रों की संख्या अनुसार भोजन बनाया जाता था तथा प्राथी को भी छात्रों की संख्या के अनुसार भुगतान किया जाता था तथा इस संबंध में विपक्षी के गवाह ने प्रतिपरीक्षण में बताया है कि कितनी बार ठेका होता था जब ठेके अनुसार प्राथी को (भुगतान) दिया जाता था, केवल भुगतान दिया जाता था-प्राथी ने कुछ वर्षों तक ठेके पर कार्य किया-किन-किन वर्षों में ठेके पर कार्य किया, याद नहीं, ठेका दो-ढाई हजार रुपये (पांच-छः व्यक्तियों के कार्य के लिए) होता था।" प्राथी स्वयं ने प्रतिपरीक्षण में प्रकट किया है कि करीब 350 बच्चे थे तथा खाना बनाने वाले तीन आदमी भी तथा तीन अन्य मजदूर और थे इस तरह हो सकता है तथा इसकी प्रत्येक सम्भावना है कि कुल लगभग 350 छात्रों के लिए खाना बनाने के लिए कुछ समय

के लिए ठेका भी दिया गया हो-ठेका कभी-कभी दिया जाना प्रतीत होता है-परन्तु किन समय में कितनी अवधि के लिए ठेका दिया गया-इस बारे में निष्कर्ष लेने के लिए कोई भी साक्ष्य या अन्य तथ्य नहीं है। परिणामस्वरूप निष्कर्ष यही रहता है कि प्राथी को ठेके के कुछ समय के अलावा भी दैनिक श्रमिक के तौर पर भी खाना बनाने का कार्य किया। वर्ष में नौ माह विद्यालय चलना निश्चित है, जिन नौ माह में 270 दिन हो जाते हैं। इस तरह प्राथी के द्वारा उसका कार्य पर आना समाप्त होने के पहले कई बार उस समय समाप्त हुए 12 महीनों में 240 या अधिक दिवसों तक कार्य किया जाना प्रमाणित होता है।

अब प्राथी की सेवा समाप्ति के बारे में विचार किया जाना है-विपक्षी के अनुसार अप्रैल 96 के बाद में छात्रावास में विद्यार्थी नहीं रहे अतः प्राथी के लिए कार्य नहीं रहा तथा यदि वह कार्य करने का इच्छुक होता तो स्वयं वापस छात्रावास खुलने व प्रारम्भ होने पर आ सकता था तथा उसे कभी कार्य से नहीं हटाया गया। स्वयं प्राथी ने उपरोक्तानुसार स्वीकार किया है कि तीन माह का अवकाश होता था जब होस्टल में बच्चे नहीं रहते थे। अतः यह निष्कर्ष लेने में कोई हिचकिचाहट नहीं हो सकती कि मई, जून माह में छात्रावास में कोई विद्यार्थी नहीं रहते थे तथा उस समय प्राथी की सेवाओं की कोई आवश्यकता नहीं थी। जैसा कि उल्लेख किया जा चुका है प्राथी ने यह स्वीकार किया है कि होस्टल में बच्चे रहते थे तब ही खाना बनता था तथा वह खाना बनाने का कार्य करता था। इस तरह यह स्पष्ट है कि जब अवकाश होता था या किसी कारण से खाना बनाने की आवश्यकता नहीं रहती थी, प्राथी को कोई भुगतान नहीं दिया जाता था अर्थात् उसे नियोजन में नहीं माना जाता था। दिनांक 1-5-96 को सेवा समाप्त करना प्राथी ने बताया है तथा उसी दिन से अवकाश हो गया था व छात्रावास बन्द हो गये थे अतः विपक्षी के इस कथन को सारहीन नहीं कहा जा सकता कि कार्य नहीं होने से प्राथी कार्य पर नहीं रहा तथा विद्यालय खुलने पर प्राथी वापस नहीं आया। विद्यालय खुलने पर प्राथी के नहीं आने पर भी विपक्षी संस्थान द्वारा उसे कार्य पर आने की सूचना या इसी तरह का कोई सूचना-पत्र भेजा जाना अपेक्षित हो सकता था। इस मामले में प्राथी लगभग सात वर्षों से कार्य कर रहा था अतः उसे सूचना भेजा जाना और भी अधिक व अपेक्षित हो सकता था ऐसा कोई सूचना-पत्र प्राथी को भेजा गया हो, यह विपक्षी ने नहीं बताया है-विपक्षी के गवाह ने प्रतिपरीक्षण में प्रकट किया है कि 30-4-96 को छुट्टियां हो गई उसके बाद में प्राथी आया ही नहीं-प्राथी के अनुसार 1-5-96 से उसकी सेवाएं समाप्त कर दी गई जिसका दूसरा अर्थ यह है कि 1-5-96 के बाद में उसने स्वयं जाकर कार्य पर लेने का तकाजा नहीं किया-कम से कम विशेष तकाजा तो नहीं किया-यहां यह उल्लेखनीय है कि प्राथी ने कहीं भी यह नहीं बताया है कि विद्यालय खुलने पर वह कार्यालय गया तब उसे कार्य पर नहीं लिया गया या उसने कार्य पर लेने के लिए कोई नोटिस भेजा-। अतः कुछ स्थिति यह

रह जाती है कि प्रार्थी का लगभग सात वर्ष का कार्यकाल हो जाने पर भी वर्ष 1996 में भी जुलाई या उसके लगभग विद्यालय खुलने पर प्रार्थी को कार्य पर आने की कोई सूचना-पत्र प्रेषित नहीं किया अतः अप्रत्यक्ष तौर से उसकी सेवाएं समाप्त की गई।

प्रार्थी के बाद में या उसके स्थान पर किसी अन्य को कार्य पर रखा गया हो या कनिष्ठ की लगातार कार्य पर रखा गया हो ऐसा स्वयं प्रार्थी ने नहीं बताया है। प्रार्थी के अनुसार उसके अलावा तीन खाना बनाने वाले और थे तथा तीन मजदूर और थे तथा विपक्षी के गवाह विद्यालय प्राचार्य के अनुसार अभी भी विद्यालय में दो महीने से पांच दैनिक वैतनिक श्रमिक कार्य पर हैं। अर्थात् दो महीने से पांच ऐसे श्रमिक हैं। प्रार्थी की उपरोक्तानुसार सेवाएं समाप्त होने पर धारा 25 के प्रावधानों की पालना की गई हो ऐसा स्वयं विपक्षी ने नहीं बताया है, विपक्षी ने प्रार्थी को नोटिस या नोटिस वेतन या क्षतिपूर्ति अदा नहीं की अतः अधिनियम की धारा 25 एफ के प्रावधानों का उल्लंघन होना प्रमाणित है अन्य किसी वैधानिक प्रावधानों का उल्लंघन होना प्रमाणित नहीं है।

प्रार्थी एक दैनिक कर्मचारी था जिससे वर्ष में लगभग नौ माह कार्य लिया जाता था। प्रार्थी ने स्वयं का वर्तमान में नियोजन के संबंध में प्रतिपरीक्षण में इस तरह से बताया है कि—मैं अभी मयुराई में 800/- रुपये महीने पर मेरे मामा के लड़के की दुकान पर कार्य करता हूं मेरे खाने का रहने का, आने-जाने का, जब खर्च इत्यादी सारा खर्चा मेरे मामा का लड़का देता था, मेरी पत्नी व बच्चे मेरे साथ ही मयुराई में रहते हैं तथा मामा का लड़का ऊपर लिखा सब मिलाकर मेरे पर दो-ढाई-तीन हजार रुपये का खर्चा तो करता है तथा मैं उसके यहां काम करता हूं—उसके खाने की इंट्रज है जहां मैं खाना बनाता हूं। विपक्षी स्कूल मुझे एक हजार रुपये महीना देती थी” इस तरह सेवा समाप्त पर प्रार्थी का प्रतिमाह आय एक हजार रुपये से अधिक नहीं थी तथा वर्तमान में वह तीन हजार रुपये लगभग आय अर्जित कर रहा है। मुद्रास्फीति तथा दूरी पर कार्य करने के तथ्य को ध्यान में रखें तब भी निश्चित तौर से विपक्षी संस्थान विद्यालय में कार्यरत रहते हुए प्रार्थी जो आय अर्जित कर रहा था उससे निश्चित तौर से लगभग दुगुनी आय प्रार्थी वर्तमान में अर्जित कर रहा है। विपक्षी के गवाह प्राचार्य ने प्रतिपरीक्षण में बताया है कि अब भी यदि प्रार्थी कार्य पर आवे तो वह दैनिक कर्मचारी के तौर पर ही होगा तथा विपक्षी इस तरह से प्रार्थी को कार्य पर ले सकता है।

उपरोक्तानुसार स्थिति यह रह जाती है कि प्रार्थी दैनिक वैतनिक कर्मचारी था तथा विपक्षी अब भी उसे दैनिक वैतनिक कर्मचारी के तौर पर लेने को तैयार है—साथ ही स्थिति यह भी रह जाती है कि प्रार्थी वर्तमान में निश्चित तौर से विपक्षी संस्थान में कार्यरत रहते जो आय अर्जित कर सकता था उसकी तुलना में दुगुन से भी अधिक आय अर्जित

कर रहा है। इस तरह के दैनिक वैतनिक कर्मचारियों की दर वर्तमान में 44/- रुपये प्रतिदिन व 1144/- रुपये प्रति-माह है।

प्रार्थी की ओर से तर्क दिया गया कि उसे सेवा में पुनर्स्थापित किया जाना चाहिये इस पर बल दिया गया कि 6-7 वर्ष की सेवा हो गई थी।

विपक्षी की ओर से तर्क दिया गया कि प्रार्थी दैनिक वैतनिक श्रमिक था तथा पुनर्स्थापन की परिस्थिति में इसी रूप में पुनर्स्थापित होगा तथा इसकी प्रत्येक सम्भावना है कि लम्बे समय तक इसी रूप में बना रहेगा। विपक्षी की ओर से यह भी बताया गया कि प्रार्थी की नियुक्ति इस संबंध में भर्ती व चयन की पालना करके नहीं हुई थी। यह भी बताया गया कि ऐसा कार्य समय-समय पर परिस्थितियों अनुसार है तथा इस मामले में छात्रों की संख्या व उनकी उपलब्धता के अनुसार होता है। विपक्षी की ओर से तर्क दिया गया कि ऐसा कार्य सृजित करना या लगातार रखना परिस्थितियों पर निर्भर होता है। संबंधित सरकार व संस्थान के अधिकारियों के विवेक पर भी निर्भर करता है तथा ऐसे कर्मचारी किसी तरह से नियमित होने के अधिकारी नहीं रह जाते। यह भी तर्क दिया गया कि नियोजन व विशेष-तौर से केन्द्रीय सरकार के अधीन नियोजन में निर्धारित नियम व प्रक्रिया की पालना किया जाना अत्यधिक आवश्यक व अपेक्षित है अतः प्रार्थी को पुनर्स्थापित नहीं किया जा सकता। यह भी बताया गया कि अधिनियम की धारा 25-एफ के प्रावधान के उल्लंघन के लिए केन्द्रीय सरकार/राज्य-सरकार के विभागों में कार्यरत ऐसे वैतनिक वैतनिक श्रमिकों के लिए एक मुक्त क्षतिपूर्ति राशि प्रदान करना भी उपर्युक्त वैकल्पिक अनुतोष माना गया है। इस संबंध में कुछ व्यवस्थाएं इस प्रकार से हैं। 1997(3) सुप्रीम-737-उच्चतम न्यायालय-हिमाणु कुमार विद्यार्थी बनाम स्टेट ऑफ बिहार, जे.टी. 1996(2) सुप्रीम कोर्ट-455 स्टेट बैंक ऑफ हिमाचल प्रदेश बनाम सुरेश कुमार, ए.आई.आर. 1998 सुप्रीम कोर्ट 1477 अरुण कुमार रोस बनाम स्टेट ऑफ बिहार व ए.आई.आर. 1992 उच्चतम न्यायालय-789 देहली डेवलप-मेन्ट होर्टिकल्चर एम्प्लोईज यूनियन बनाम देहली एडमिनिस्ट्रेशन।

तमाम तर्कों व विधि के प्रावधानों पर विचार किया गया। विपक्षी के यहां कार्य उपलब्ध रहते तथा प्रार्थी की कार्य अवधि को देखते हुए प्रार्थी को सेवा में पुनर्स्थापित किया जाना चाहिए परन्तु पुनर्स्थापित करने पर प्रार्थी दैनिक वैतनिक कर्मचारी ही होगा तथा निश्चित तौर से वर्तमान में जो आय अर्जित कर रहा है उससे आधी से भी कम आय अर्जित करेगा। प्रार्थी को पुनर्स्थापित किये जाने पर वर्तमान में विपक्षी के यहां जो खाना बनाने का कार्य कर रहे हैं उन पर भी प्रत्यक्ष या अप्रत्यक्ष प्रभाव पड़ सकता है। उस परिस्थिति में एक आदमी को हटाने की सम्भावना हो सकती है। साथ ही यदि प्रार्थी को पुनर्स्थापित नहीं किया जाता है या उचित क्षतिपूर्ति प्रदान नहीं की जाती है तो इसका अर्थ यह होगा

कि वैधानिक प्रावधानों के उल्लंघन पर कोई प्रभाव नहीं होगा। उपर्युक्त मामलों में उपर्युक्त तथ्यों व आधारों पर ऐसे दैनिक वैतनिक कर्मचारियों को पुनर्स्थापन के बजाए एक मुश्न क्षतिपूर्ति राशि भी प्रदान की जा सकती है। अतः न्यायालय की राय में उपरोक्त तमाम तथ्यों को ध्यान में रखते हुए प्रार्थी को सेवा में पुनर्स्थापित किये जाने का आदेश दिया जाना चाहिये परन्तु विपक्षी को एक विकल्प दिया जाना चाहिये कि वह चाहे तो प्रार्थी को एक मुश्न क्षतिपूर्ति की राशि प्रदान करके प्रार्थी के प्रति बतौर श्रमिक अपने तमाम दायित्वों से मुक्त हो सके।

प्रार्थी उपरोक्तानुसार कार्य करके आय अर्जित कर रहा है अतः प्रार्थी को सेवा में पुनर्स्थापित करते हुए दिनांक रेफरेंस 16-4-98 से दिनांक निर्णय तक की अवधि के लिए उसे देय वेतन की 10 प्रतिशत पूर्व भूति के रूप में देय होने का आदेश दिया जाना चाहिए। देय एक मुश्न क्षतिपूर्ति राशि निर्धारण में कई तथ्य सहायक हो सकते हैं जैसे सेवा अवधि कार्य तथा नियोजन की प्रकृति, यदि विधि के प्रावधानों की पालना की जाती तो तत्समय देय राशि तथा अब ऐसा करने पर देय राशि-पुनर्स्थापना की परिस्थिति में पूर्व भूति की राशि वर्तमान में उस कार्य के लिए पारिश्रमिक तथा प्रार्थी के लिए अन्यत्र नियोजन की उपलब्धता इत्यादि। जैसा कि उल्लेख किया जा चुका है प्रार्थी के अन्यत्र नियोजन काफी ठीक आय वाला उपलब्ध है जहां वह कार्यरत है। प्रार्थी की सेवा समाप्त होते समय पूरी मात वर्ष की मानते पर भी उसे तत्समय विधि के प्रावधानों की पालना करने पर अधिकतम चार माह का वेतन क्षतिपूर्ति के रूप में व एक माह का नोटिस वेतन देय होगा जो तत्समय प्रचालन दरों के अनुसार अधिकतम लगभग 4500 रु० तक होता है तथा मुद्रास्फीति एवं प्रचलित बैंक व्याज दर को देखते हुए अब तक सात-माहों मात हजार रुपये तक होता माना जा सकता है। उपरोक्तानुसार पूर्व भूति की राशि मिलाकर यह सारी राशि कुल मिलाकर 9000 रु० से अधिक नहीं होती है। यदि अब 25-एफ के प्रावधानों के अनुसार राशि की गणना की जावे तो अब तक दस वर्ष की सेवा के आधार पर नोटिस वेतन सहित छः माह का वेतन होता है जो कि 7500 रु० से अधिक नहीं होता तथा पूर्व भूति सहित 9000 रुपये ही होता है। अतः इन तमाम परिस्थितियों को देखते हुए विपक्षी उसे एक मुश्न क्षतिपूर्ति राशि रुपये 14,000/ (चौदह हजार रुपये) दिलाया उचित प्रतीत होता है। यदि विपक्षी चाहे तो यह राशि 14,000 अदा करके श्रमिक के लिए इस नियोजन से संबंधित अपने तमाम दायित्वों से मुक्त हो सकता है। परन्तु यह राशि अधिनियम के प्रकाशन की तिथि से छः माह के अन्दर अदा करनी होगी जब तक प्रार्थी को उसका कार्य पर उपस्थित होने पर कार्य पर नियत जाकर किये जाने वाले कार्य के समय का भुगतान भी किया जायेगा। तदनुसार यह विवाद अधिनियमित किये जाने योग्य है।

अधिनियम

भारत सरकार के श्रम मंत्रालय की नई दिल्ली की विज्ञप्ति सं. 42012/29/97 दिनांक 16 अप्रैल, 1998 के अर्न्तगत प्रेषित विवाद इस प्रकार अधिनियमित किया जाना है कि प्रधानाचार्य नवीन्द्र विशालय पंचपदरा नगर जिला बाइमेर द्वारा प्रार्थी श्री नरसिंह राम की दिनांक 1-4-96 से सेवा समाप्त अनुचित एवं अवैधानिक है। अतः आदेशित किया जाना है कि विपक्षी नियोजक प्रार्थी को दैनिक वैतनिक कर्मचारी के रूप में सेवा में पुनर्स्थापित करे, प्रार्थी की तिथि 16-4-98 से दिनांक निर्णय तक 10 प्रतिशत पूर्व भूति के रूप में प्राप्त करने का अधिकारी घोषित किया जाता है या विकल्प में यदि विपक्षी नियोजक अब प्रार्थी को सेवा में रखना नहीं चाहे तो वह प्रार्थी को एक मुश्न 14,000 (चौदह हजार रुपये) इसका वि-निर्णय के प्रकाशन की तिथि से छः माह के अन्दर अदा करे तथा यह अदायगी होने पर विपक्षी नियोजक के प्रार्थी के प्रति बतौर श्रमिक तमाम दायित्व समाप्त हो जायेगे। एक मुश्न 14,000 (चौदह हजार रुपये) अदा करने का उपरोक्त विकल्प प्रकाशन की तिथि से छः माह की अवधि तक रहेगा जिस तिथि तक अदायगी नहीं होने पर एक मुश्न क्षतिपूर्ति अदायगी का यह विकल्प स्वतः ही समाप्त हो जायेगा। इस अधिनियम को प्रकाशनाय श्रम मंत्रालय भारत सरकार नई दिल्ली की प्रेषित किया जावे।

यह अधिनियम आज दिनांक 11-5-1999 को न्यायालय में हस्ताक्षर कर सुनाया गया।

चांदमल तोनवा, न्यायाधीश

नई दिल्ली, 4 जून, 1999

का.आ. 1861:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीजनल कॉफी रिसर्च स्टेशन के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधि-करण, चेन्नई, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-6-99 को प्राप्त हुआ था।

[सं. एन-42012/105/97-आई.आर. (डी.यू.)]
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 4th June, 1999

S.O. 1861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Regional Coffee Research Station and their workman, which was received by the Central Government on the 4-6-99.

[No. L-42012/105/97 IR(DU)]
B. M. DAVID, Desk Officer

ANNEXURE
BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU,
CHENNAI

Tuesday, the 1st day of December, 1998

PRESENT :

THIRU S. ASHOK KUMAR, M.Sc., B.L.,
INDUSTRIAL TRIBUNAL

INDUSTRIAL DISPUTE NO 97 of 1998

in the matter of dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the workman and the Management of Regional Coffee Research Station, Thandigudi).

Between

Shri K. Jothimani,
C/o The Nilgiris District Estate Workers' Union,
Palani Hills Branch, Mangalamcombu,
Thandigudi-624216.

and

The Dy. Dir. (Research),
Regional Coffee Research Station,
Thandigudi-624216.

REFERENCE :

Order No. L-42012/105/97-IR(DU),
Ministry of Labour, dated 24-6-98,
Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Tvl. T. S. Gopalan & Co. Advocates appearing for the respondent-management, upon perusing the reference and other connected papers, and the petitioner being absent, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Regional Coffee Research Station, in terminating the services of Shri K. Jothimani, is legal & justified? If not, to what relief the workman is entitled?"

Petitioner called absent, Dismissed for default.
Dated, this the 1st day of December, 1998.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 1 जून, 1999

का.आ. 1862 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रैसर्स एण्डर इंडिया लिमि. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनबन्ध में

निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं.-2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 31-5-99 को प्राप्त हुआ था।

[सं.एल-11012/20/97-आई.आर. (सी-1)]

धाम सुन्दर गुप्ता, डेस्क अधिकारी

New Delhi, the 1st June, 1999

S.O. 1862.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Air India Ltd. and their workman, which was received by the Central Government on 31-5-99.

[No. L-11012/20/97-IR(C-I)]

S. S. GUPTA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/44 of 1998.

Employers in relation to the management of
M/s. Air India Ltd.

AND

Their workmen.

APPEARANCES :

For the Employer : M/s. Bhasin & Co., Advocates.

For the Workmen : Mr. S. N. Deshpande, Advocate.

Mumbai, dated the 5th May, 1999

AWARD-PART-I

The Government of India, Ministry of Labour by its Order No. L-11012/20/97-IR(Coal-I) dated 13-4-98, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of M/s Air India Ltd. Mumbai in terminating the services of Shri M.G. Ahir w.e.f. 24-8-92 is legal and justified? If not to what relief he is entitled?"

2. M. G. Ahir (herein after referred as the workman) joined the services as a loader w.e.f.

16-9-66 with M/s Air India (herein after referred as the management). He was confirmed in that post on 1-7-67. He was serving as a senior loader in the commercial department at Santacruz, Bombay Airport at the relevant time. On 22-3-88 the workman was scheduled to work/attend the Ethiopian Airlines flight. The incident took place on that day. The chargesheet dtd. 19-11-90 was issued contending that he committed an Act subversive of discipline and breach of laws applicable to the establishment. The inquiry committed was constituted and a domestic inquiry was conducted against the worker. The committee gave his report dtd. 27-6-92 finding the workman guilty of the charges. He was served with a show cause notice dtd. 29-6-92 regarding proposed punishment. The disciplinary authority passed an order of dismissal dtd. 7-6-92. A criminal case No. 24 of 1989 in respect of the alleged offence was also registered. The Sessions court acquitted the workman by its Judgement dtd. 28-4-92.

3. The workman in his statement of claim contended that the domestic inquiry which was conducted against him was against the Principles of Natural Justice and because the chargesheet which was issued to him was a vague one, that no reasonable opportunity was given to him to defend his case properly, that the inquiry committee should have kept the inquiry abeyance till the decision of the criminal case that the inquiry was hurriedly completed, that he was not allowed to defend by any counsel, that he was not given an opportunity to examine the witness or to file a final statement and was given a personal hearing. It is averred that the findings of the inquiry officer are perverse. It is submitted that the charges which were framed are also not covered under the Model standing orders.

4. The workman prayed that the dismissal order may be set aside and he may be reinstated in service alongwith back wages and continuity with other reliefs.

5. The management resisted the claim by the written statement (Exhibit-11). It is pleaded that the committee conducted an inquiry as per the Principles of Natural Justice and the findings of the inquiry officer are not perverse. It denied all the allegations made against it in the statement of claim. It is submitted there was no need to stop the inquiry in view of the pending of the criminal case. It is averred that even though the opportunity was given to the workman to attend the inquiry he chose not to do so. It denied that the discrimination was shown to the workman. It is submitted that for all these reasons the workman is not entitled to any of the reliefs as claimed.

6. The issues are framed at Exhibit-8. Issues Nos. 1 & 2 are treated as preliminary issues. My findings there on are as follows :—

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural justice ?	Yes.
2. Whether the findings of the inquiry officer are perverse ?	Yes.

REASONS

7. On 19th November '90 a chargesheet was given to the workman (Exhibit-12/1). It was alleged that on 22nd of March '1988 when he was elected to attend the Ethiopian Airline Flight No. ET-611 it was reported that he pushed two pieces of baggage for shipment by the said flight at the instance of one Mr. O.F. Shinde (TA) under suspension. In further investigation by the customs authorities revealed that the said baggages contained 1925 Mandrax Tablet valued at Rs. 1,63,850 in Indian illicit market. It is further alleged that in further investigation the custom authorities imposed a personal penalty of Rs. 40,000/- on him under section 114 of the Customs Act 1962. The copy of the said order is enclosed. It is further submitted that for all these reasons the workman had committed an Act subversive of discipline and breach of law applicable to the establishment. The workman denied the charges.

8. Mohan Ahir (Exhibit-17) affirmed that even though he denied those allegations by his reply dtd. 7-12-90 the management constituted an inquiry committee. In his reply he mentioned that as a criminal case is pending the matter should not be proceeded with. It must be mentioned here that it is well settled position of law that there is no necessity to stay the domestic inquiry when a criminal case is pending. There must be circumstances showing that a prejudice will be caused to the workman in defending the criminal case then in that case only the inquiry is stayed. Here in this case it does not appear that there was any material on the record to show that he would have been prejudiced in a criminal proceedings and therefore there was necessity to stay the proceedings. I therefore find no merit in the ground that conducting of the domestic inquiry even though that there was pendency of the criminal case in respect of the same incident it has caused prejudice to the workman.

9. Ahir affirmed that the chargesheet is vague after perusal of the chargesheet (Exhibit-12/1) which I have elaborately discussed above I do not find any vagueness in the matter. Nodoubt there is no specific mention of the standing orders in the chargesheet but what is to be seen is what the management wants to inform the workman. They in

categorical terms informed the workman what are the allegations against him which he has to face.

10. Ahir (Exhibit-17) affirms that he was informed by the committee by their letter dt. 5-3-92 that the inquiry was fixed for hearing on 18-3-92. On that date the matter could not be heard. He was informed that the next date of the hearing would be communicated to him. He affirmed that the committee informed the next hearing date to be 26-5-92. On 25-5-92 he informed the committee that in view of the pending of the criminal trial and he has to attend the same he will not remain present in the domestic inquiry. But he remained present on that day. It so happened that the matter was adjourned.

11. Thir affirms that thereafter the committee by their letter informed the adjourned date to be 22-6-92 but that letter was received by his sister. She informed this date to him on 23-6-92. He affirmed that between 17-6-92 to 23-6-92, he was at his wife's residence at Byculla. He was taking treatment of one Dr. Rajendra Tiwari from 17-6-92.

12. Dr. Rajendra Tiwari (Exhibit-18) affirms that he treated the workman from 17-6-92 and had given a certificate dtd. 18-6-92. He accepts the position that he is not on the panel of doctors of the Air India nor that he is keeping the copies of the service or the prescriptions given to his patients. There is no suggestion to the doctor that he had given a false certificate and deposing falsely. The doctor corroborates the version of Ahir that he was treated by him.

13. Ahir affirmed that because of his sickness he was staying at Byculla and came to know regarding the hearing of the inquiry of 22-6-92 on 23-6-92. So far as this deposition is concerned there is no cross-examination on behalf of the management. Under such circumstances there is no reason to disbelieve the workman that he had no knowledge in respect of the date of the hearing.

14. The inquiry committee appears to have conducted the inquiry in a mechanical way without giving a proper approach to the circumstances. It has to be said so because on the earlier three occasions the inquiry was adjourned for one reason or the other. There was specific information on behalf of the workman regarding pendency of the criminal case and he will not remain present on that date. Under such circumstances they should have ascertained whether really the workman is duly served with the date of the hearing. That appears to have been not done in the matter. On 22-6-92 one witness was examined who produced all the relevant documents which were taken on record and the inquiry was completed. The committee then asked the workman to file his final

statement within three days which the workman could not do. In normal course the committee should have given the workman an opportunity to come and cross examine the witness on the adjourned date. But that does not appear to have been done in the matter. All these clearly go to show that the conduct of the inquiry was not as per the Principles of Natural Justice. He was not given proper opportunity to defend in the case. He was not given an opportunity to lead evidence. I, therefore, come to the conclusion that the inquiry which was conducted against the workman was against the Principles of Natural Justice.

15. Exhibit-12/2 is the copy of the inquiry proceedings. It is a statement of one Mr. Kamble producer documents. After the production the committee concluded the proceeding and had sent its copy to the workman for giving a final statement. The inquiry committee had given its report which is at Exhibit-12/3. After perusal of the report it can be seen that the committee had relied upon the statement of Kamble and the documents which were produced on the record. After perusal of the report it can be seen that there is no proper appreciation of the evidence. The committee relied upon the documents which cannot be said to be properly proved. It can be further seen that as I have come to the conclusion that the inquiry which was conducted was against the Principles of Natural Justice obviously the findings of the inquiry officer which is based on that evidence are perverse. In the result I record my findings on the issues accordingly and pass the following order :—

ORDER

The domestic inquiry which was held against the workman was against the Principles of Natural Justice.

The findings of the inquiry officer are perverse.

S. B. PANSE, Presiding Officer

नई दिल्ली, 2 जून, 1999

का.प्र. 1863 :— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये, केन्द्रीय सरकार सेन्ट्रल रेलवे, के प्रबन्धतंत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिग्रहण, कम-लेबर-कोर्ट नं. 2, मुम्बई, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-06-1999 को प्राप्त हुआ था।

[सं. एल-41012/39/98-आई.अर. (बी-1)]

समाप्त, उक्त अधिकारी

New Delhi, the 2nd June, 1999

S.O. 1863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway and their workman, which was received by the Central Government on the 1-6-1999.

[No. L-41012/39/98-IR(B-I)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/6 of 1999

Employers in relation to the management
of Central Railway

AND

Their Workmen.

APPEARANCES :

For the Employer : No Appearance.

For the Workmen : No Appearance.

Mumbai, dated 10th May 1999

AWARD

The Government of India, Ministry of Labour, by its Order No. L-41012/39/98/IR(B-I), dated 31-12-1998 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the General Manager Central Railway in terminating the services of Shri Madho Singh Samant, Ex-Bungalow Peon to SR Dy. G. M. of Central Railway w.c.f. 31-3-97 is justified? If not, to what relief the workman entitled to?"

2. By sending this order to this Tribunal the Desk Officer has also forwarded the copy of this order to the concerned parties, including the workman.

3. The Secretary of the Tribunal issued notice to the concerned parties. The hand delivery was given to the General Manager, Central Railway, Mumbai which he received on 13-1-99. So far as the workman is concerned a registered notice was sent to him which came back with an endorsement "No named party stays in the given address". It is therefore returned to the sender. The workman did not turn up into the court nor did he file

the Statement of Claim. Under such circumstances I pass the following order :—

ORDER

The reference is disposed off for want of prosecution.

S. B. PANSE, Presiding Officer

नई दिल्ली, 03 जून, 1999

का.आ. 1864.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सर्वेस रेलवे, मद्रास, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण तमिलनाडु, चेन्नई, के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-06-1999 को प्राप्त हुआ था।

[स. एल-41012/90/94-आई. आर.-(बी-1)]

सनातन, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Rly., Madras and their workman, which was received by the Central Government on the 3-6-1999.

[No. L-41012/90/94-IR(B-I)]

SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, CHENNAI

Thursday, the 25th day of February, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,

Industrial Dispute No. 87 of 1997

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I.D. Act, 1947 between the Workman and the Management of Southern Railway, Madras).

BETWEEN :

Shri P. Kulasekaran,

No. 33, Maduraiveeran Koil Street,

Pandu Eri, Chinglepet Distt.

AND

The General Manager (Law),

(Sr. D.P.O.),

Southern Railway George Town,
Madras.

REFERENCE :

Order No. L-41012/90-94-IR(B. I), Ministry of Labour dated 19-7-95/30-1-96, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, in the presence of Thiru Fenn Walter, Counsel for petitioner, upon persuing the reference, and other connected papers and the petitioner having filed a memo to dismiss the I.D. as not pressed, this Tribunal passed the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the management of Southern Railway, Madras in terminating the services of Shri Kulasekraran, from 21-12-76 in violation of Sec. 25F of I.D. Act. 1947 is just, proper, and legal ? If not to what relief is the workman entitled to ?"

Memo filed by petitioner not pressing the Industrial Dispute. Industrial dispute dismissed as not pressed.

Dated, this the 25th day of February, 1999.

S. ASHOK KUMAR, Industrial Tribunal

नई दिल्ली, 13 जून, 1999

का.आ. 1865:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लक्ष्मी विलास बैंक, कारूर, के प्रबन्धतंत्र के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण तमिलनाडु, चेन्नई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-6-1999 को प्राप्त हुआ था।

[नं. एल-12011/38/95-आई.आर.-(बी-1)]
सनातन, डेस्क अधिकारी

New Delhi, the 3rd June, 1999

S.O. 1865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Tamil Nadu, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Lakshmi Vilas Bank, Karur and their workman, which was received by the Central Government on the 3-6-1999.

[No. L-12011/38/95-IR(B. I)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU, CHENNAI

Thursday, the 11th day of February, 1999

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L.,
Industrial Tribunal.

Industrial Dispute No. 103 of 1996

(In the matter of the dispute for adjudication under Section 10(1)(d) of the I. D. Act, 1947 between the workmen and the Management of Lakshmi Vilas Bank Ltd., Karur).

BETWEEN

The workmen represented by :

The General Secretary,
Lakshmi Vilas Bank Employees Union,
No. 12, Station View Road, Kodambakkam,
Madras-600026.

AND

The Chairman & Chief Exe. Officer,
The Lakshmi Vilas Bank,
Administrative Office,
Kathapara, Karur-639006.

REFERENCE :

Order No. L-12011/38/95-IR(B. I), Ministry of Labour, dated 3-12-96, Govt. of India, New Delhi.

This dispute coming on for final hearing on this day, upon persuing the reference, claim, counter statement and other connected papers in the presence of Tvl. D. Hariparaanthuman & V. Ajay Kohose, Advocates appearing for the petitioner-union and of Tvl. T. S. Gopalan & Co. Advocates appearing for the respondent-management, the petitioner having made endorsement to dismiss the dispute as withdrawn, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether there is any mala fide intention in the action of the management of Lakshmi Vilas Bank Ltd., in transferring the 18 persons (list attached) of the Lakshmi Vilas Bank Employees Union ? If so, to what relief the workmen are entitled?"

Endorsement made in the claim petition as "withdrawn". Industrial dispute is dismissed as withdrawn. No costs.

Dated, this the 11th day of February, 1999.

S. ASHOK KUMAR, Industrial Tribunal

LIST

New Delhi, the 3rd June, 1999

S. No.	Name	From	To
1	2	3	4
1.	E. Sanjeevi	Kancheepuram	Ambur
2.	P. Ananda Mohan	Erode	Muthugapatti
3.	D. Sethumathava Rao	R.S. Puram	Iyyampalayam
4.	N. Nagam	Tuticorin	Attur
5.	S. Sankaranarayanan	Tirunelveli	Peravurani
6.	S. Ramesh	Madurai	Iyyampalayam
7.	C. Rajendiran	Tallakulam	Virudhunagar
8.	T.M. Kumara vadival	Attur	Tuticorin
9.	K. Swaminathan	Mayiladuthurai	Thirukadaiyur
10.	T. Sakthival	Panruti	Thirukoilur
1.	L. Balasubramanian	Thillainagar	Mannargudi
2.	T. Venkatacharyulu	Habsiguda	Guntur
3.	A. Govinda Rao	Secunderabad	Gajuwaka
4.	S. Lohit Reddy	Habsiguda	Vijayawada
5.	G. Jayaprakash	Chittoor	Habsiguda
6.	Ramakrishna Rao	Vijayawada	Chittoor
7.	S. Murugesan	Iyyampalayam	Thiruvannamalai
8.	M.G. Savanur	Hubli	Chitradurga

*Transfers Released against Act, Annexure 'B'

नई दिल्ली, 3 जून, 1999

का.आ. 1866:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन. ई. रेलवे, सोनपुर, के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण पटना के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-6-1999 को प्राप्त हुआ था।

[सं. एल-41011/16/96-आई. आर.-(बी-1)]
सनातन, डेस्क अधिकारी

S.O. 1866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Patna as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N.E. Railway, Sonapur and their workman, which was received by the Central Government on the 3-6-1999.

[No. L-41011/16/96-IR(B-I)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA

Reference No. 14(c) of 1997

Management of N.E. Railway, Sonapur
and their workmen represented by Divisional Secretary, N.E. Railway Mazdoor Union, Divisional Office, Sonapur.

For the Management : Sri P. K. Verma,
Advocate.

For the workmen : Sri Sudama Pandey,
Advocate.

PRESENT :

Sri T. L. Verma, Presiding Officer, Industrial Tribunal, Patna.

AWARD

The 27th May, 1999

By adjudication order No. L-41011/16/96-I.R. (B-I) dated 1-10-1997 the Central Government (Government of India) in the Ministry of Labour, New Delhi referred u/s 10(1)(d) of the Industrial Disputes Act, 1947 (hereinafter to be referred as 'the Act') the following dispute between the Management of N.E. Railway, Sonapur and its workmen for adjudication to this Tribunal :

"Whether the action of the Management of N.E. Railway Sonapur for removing from service of S/Sh. Sindhu and 33 others after giving them temporary status is justified and legal? If not to what relief the workmen are entitled to?"

2. After receipt of the aforesaid adjudication order the Reference was registered and parties were directed to appear in this Tribunal on 27-11-1997. On 27-11-1997 both parties appeared and written statement of claim was filed on behalf of the workman. Copy of written statement filed on behalf of the workman was served on the Management and the Management filed its reply to the statement of claim filed on behalf of the workmen.

3. The workman Sindhu and 33 others claim that they were engaged as casual workers and had been working as unskilled workers in Group 'D' under the Assistant Engineer, N.E. Railway Sonepur and that they acquired status of temporary Railway servant after having completed 120 days Continuous services without any break. In the statement of claim filed on behalf these workmen it has been averred that despite their having acquired temporary status their services were terminated by the Assistant Engineer, N.E. Railway, Sonepur without complying with the requirements of Indian Railways Establishment Manual Vol. 1 and 2 and section 25F, 25FF, 25G of the Industrial Disputes Act. They were neither given notice nor retrenchment compensation as required u/s 25F of the I.D. Act. The Management is alleged to have violated the principles of last come first go and as enshrined in section 25G of the I.D. Act. It has also been alleged that after disengagement of these workmen the Management inducted several new faces and also allowed some of their juniors to continue in service ignoring the superior and legitimate claim of these workmen.

4. The Management has resisted the claim of the workmen. In the written statement filed on behalf of the Railway it has been averred that the workmen listed in the present reference are ex-casual labourers who had worked in different brief spells long ago and most of whom have not been engaged after 1987-1989. The entire dispute raised by the union it is said is wholly misconceived and without any basis. It has also been alleged that the dispute raised by the workmen against their removal is barred by laches, delay and limitation. It has also been alleged that none of the workmen has been in continuous service of one year or 240 days in the year prior to his disengagement. The Management has also denied the allegation that the seniority rule has been violated and new faces have been engaged under Sonepur Division in preference to the workmen listed in this reference.

5. From the pleadings of the parties as mentioned above it is apparent that there are two parts of the dispute. The first part pertains to rights if any, accrued to these workmen under the Indian Railways Establishment Code, Indian Railways Establishment Manual and instructions issued by the competent authority in that behalf from time to time. The second part pertains to the alleged violations of the provisions of the Industrial Disputes Act.

6. So far as the first part i.e. the violation of rules as contained in the Indian Railways Establishment Code and Indian Railway Establishment Manual and instruction issued in that behalf from time to time is concerned it may be stated that the same falls within the jurisdiction of the Central Administrative Tribunal. Indian Railways being a department of the Government of India its em-

ployees fall in the category of Central Government employees. The service matters pertaining to Central Government employees came under the jurisdiction of the Central Government Administrative Tribunal. The jurisdiction of any other forum to entertain service disputes of Central Government employees has been specifically barred by section 14 read with section 28 of the Administrative Tribunal Act, 1985.

7. The jurisdiction of the Industrial Tribunal, Labour Court and other authorities constituted under the Industrial Disputes Act or any other corresponding law, can, however be invoked for the violation of any of the provisions of the I.D. Act. This jurisdiction is not ousted by section 14 of the Administrative Tribunal Act, 1985. This position of law has been settled by the apex Court in K. P. Gupta Vs. Controller Printing and Stationary followed by several subsequent decisions of the apex court. In the averments made in the statement of claim filed on behalf of the workmen it is alleged that the management has violated the provisions of section 25F, 25FF and 25G of the I.D. Act. Section 25F provides that no workman, employed in any industry who has been in continuous service for not less than one year shall be retrenched without giving one month's notice in writing or one month's pay in lieu of notice and retrenchment compensation. Section 25FF pertains to payment of compensation to the workmen in case of transfer of undertakings and section 25G provides procedure for retrenchment.

8. Section 25FF, as has already been mentioned above, pertains to payment of compensation to the workman in case of transfer of the undertaking in which he was working. There is absolutely no material on the record to show that the Establishment in which these workmen were working was transferred to some other department and that their retrenchment followed such a transfer of the undertaking. The provisions of these sections have, therefore, no applicability to the facts of this Reference and hence need not be dealt with the detail.

9. So far as section 25F and 25G are concerned it may be stated that they are inter-related. In order to attract the provisions of these sections it has to be shown that the retrenched workmen had worked in an industry continuously for not less than one year in the year immediately before the retrenchment and that they have been retrenched without giving notice and retrenchment compensation. It is for the workmen to show that they had been in continuous service for not less than one year under the employer who retrenched them from service and that they had served for not less than 240 days during that period of one year.

10. In the above view of the matter it has to be examined whether these workmen had worked for

240 days continuously previous to the year of their alleged retrenchment.

11. The Management has neither examined any witness nor filed any document. The entire argument of the Management with regard to the non-entitlement of these workmen of the benefit of the provisions of the Industrial Disputes Act is based on the evidence oral and documentary filed by the workmen. The workmen have examined two witnesses namely Dharam Nath Roy, W.W. 1 and Hari Lal Singh W.W. 2 besides filing Ext. 1 order dated 14-8-1992 conferring temporary status on the workmen, order dated 3-8-1990 Ext. 2 conferring temporary status of Sri Chandra Kant Singh, Prem Narain and Ram Charan, Ext. 3 is office order dated 3-8-1990 whereby temporary status has been conferred on Sri Kanhaiya Lal Srivastava and Shri Ram Awadh, Ext. 4 is office order conferring the temporary status on Sri Inderjeet Singh and Hari Lal Singh. Similarly temporary status has been conferred on Sri Dinanath Roy by order Ext. 5.

12. W.W. 1 and W.W. 2 have given evidence to the effect that they were working as casual labourers in the Engineering Department of Sonapur Unit of N.E. Railway since 1980 and some of the workmen, who are listed in this reference, were working prior to 1980 and that all of them worked continuously for more than 240 days. They have further stated that they were conferred temporary status on completion of 120 days of continuous service. From the cross-examination of W.W. 1 it is clear that casual card is issued to the workmen in which the details of work performed by them are noted.

13. The Railways have denied the claim of the workmen that they had worked for 240 days continuously without any break in the calendar year preceding their retrenchment. Except field statement of W.W. 1 and W.W. 2 that they and other workmen listed in the reference had worked continuously for more than 240 days in the year previous to their retrenchment, there is no acceptable evidence documentary or otherwise to support this claim of the workmen. As has already mentioned above, W.W. 1 has admitted in his cross-examination that casual workers are provided with casual cards in which details of the work done by them is noted. He has gone to the extent of saying that they had given cards to their lawyer for filing in his case. No casual card of these workmen and other workmen listed in the reference has been filed. It is a settled principle of law that where best evidence is available secondary evidence can neither be permitted in evidence nor should be taken into account. The casual cards which were available with them should have been filed. The details given in the said cards would have been best evidence to show the period during which these workmen were employed in the Railways. These cards would have been also shown the date from which they were

disengaged and also whether they had worked for 240 days during the year previous to their disengagement. In absence of the casual cards it is difficult to accept the held statements of W.W. 1 and W.W. 2 that they and other casual workers had worked continuously for 240 days during the year previous to their disengagement.

14. Exts. 1, 2, 3, 4 and 5 are orders showing that temporary status was conferred on the casual workers mentioned in the order on different dates. These documents are relevant only for the purpose of showing that the workers on whom temporary status was conferred had worked for 120 days from the date of their appointment to the date on which they were conferred temporary status. From these documents it can with any stretch of imagination, be concluded that they had worked for 240 days continuously during the year previous to their disengagement.

15. In addition to the above it may be stated that the basic foundation of section 25F and 25G, is proof of the fact that the retrenched workmen had worked continuously for 240 days during the year previous to their retrenchment. Witnesses examined have not given the date when they and the other workmen were retrenched. In the written statement filed on behalf of the Railway it has been stated that some of the workers listed in this reference were not engaged after 1989 and many of them after 1978. It has further been stated that the order conferring temporary status on these workers were passed between 1990 and 1992 on the request of the union representing them. The dispute appears to have been raised much after conferring of temporary status on these workmen. In the circumstance no conclusion either as to the date of the retrenchment or that these workmen had worked for 240 days continuously during the year previous to their retrenchment can be drawn.

16. The learned Counsel for the workmen submitted that juniors of these workers named in Annexure-2 series numbering about 200 were recruited after the retrenchment of these workmen in violation of the provisions of Indian Railway Establishment Manual. The purpose of conferring temporary status on the workmen after their completing 120 days is extend to them benefit of pay scale and other benefit which are generally available to a temporary Railway employee and as and when their engagement is discontinued for non-availability of work their names may be entered in casual labour register for their engagement against future vacancies in order of seniority in preference to new faces. Infraction of these rules and guidelines if any would make out a case for redressal before Central Administrative Tribunal and not before Industrial Tribunal. A railway servant who is workman within the meaning of Industrial Disputes Act can approach Industrial Tribunal only for violation of provisions of Industrial Disputes

Act. The material on the record as discussed above, does not make out any case of violation any of the provisions of the I.D. Act. Warrantly interference by this Tribunal.

17. If there has been violation of provisions of Indian Railway Establishment Manual or Railway Establishment Code or instructions issued by the authorities regulating service condition of railway workmen they may move the proper forum for redressal of their grievances

18. The learned counsel for the workmen has filed following decisions in support of his contention already mentioned above :-

- (i) 1992 (1) Vol. 1 All India Services Law Journal P. 319
- (ii) (1992) 22 Administrative Tribunal Cases-page 151-B. Vishnu Vs. Senior Divisional Accounts Officer (BG) S.C. Railway, Secunderabad and another.
- (iii) (1992) 21-A.T.C. P. 217-Chander Prakash Vs. Union of India and another.
- (iv) (1992) 21-A.T.C. P. 608.
- (v) (1992) 24-A.T.C. P. 747-Hukam Singh Vs. Union of India and others.
- (vi) (1990)(1) Vol. 35 A.S.L.J.-(Kerala) P. 11.
- (vii) (1991) 15 A.T.C. P. 620-P. M. Balan and others Vs. Union of India and another.
- (viii) (1992) 20-A.T.C. P. 280-Union of India and others Vs. Basant Lal and others.

I have carefully perusal all the judgements cited by the learned counsel for the workmen and I find that these decisions have no bearing on the question in issue hence need not be discussed in detail.

19. Having held as above I find that no case has been made out for violation of section 25F, 25FF or 25G of the Industrial Disputes Act. These workmen therefore are not entitled to any relief.

20. This is my award.

T. L. VERMA, Presiding Officer

नई दिल्ली, 04 जून, 1999

का.आ. 1867:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बीकानेर एंड जयपुर के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण जोधपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-06-1999 को प्राप्त हुआ।

[सं.एच-12011/153/87-डी (II) ए/आई.आर.बी.-III/बी.-I]

सानतन, डेस्क अधिकारी

New Delhi, the 4th June, 1999

S.O. 1867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Jodhpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Bikaner & Jaipur and their workman, which was received by the Central Government on 03-06-1999.

[No. L-12011/153/87-D-II(A)|IR B-III|B-I]
SANATAN, Desk Officer

अनुबंध

औद्योगिक विवाद अधिनियम एवं श्रम न्यायालय
जोधपुर

पीठासीन अधिकारी :—श्री बादमल तोतला, आर. एच.
जे. एस.

श्री. वि. (केन्द्रीय) सं. :—5/1991

श्री जनरल मेहता राजस्थान बैंक एम्प्लोईज यूनियन,
माधोबाग जोधपुर।

...प्रार्थी पक्ष

बनाम

श्री जनरल मेहता, स्टेट बैंक ऑफ बीकानेर एंड जयपुर-
ईड ऑफिस निचक मार्ग, जयपुर।

...अप्रार्थी-पक्ष

उपस्थिति :

(1) प्रार्थी पक्ष की ओर से श्री विजय मेहता प्रतिनिधि

(2) अप्रार्थी पक्ष की ओर से श्री वसंतराज मेहता
प्रतिनिधि

अधिनिर्णय

दिनांक 20-5-1999

श्रम मंत्रालय भारत सरकार की विज्ञापन सं. एच-12011/153/87-डी-II (ए)/आई. आर. (बी-III) दिनांक 16 अक्टूबर 1990 में औद्योगिक संस्थान स्टेट बैंक ऑफ बीकानेर एंड जयपुर तथा इस संस्थान के श्रम संगठन राजस्थान बैंक एम्प्लोईज यूनियन के मध्य उत्पन्न हुआ निम्नांकित औद्योगिक विवाद औद्योगिक विवाद अधिनियम के प्रावधानों के अन्तर्गत अधिनियम हेतु औद्योगिक न्यायाधिकरण, जयपुर को प्रेषित किया जहां नियमित औद्योगिक विवाद संख्या 73/90 पंजीकृत होकर कार्यवाही प्रारम्भ हुई श्रम मंत्रालय भारत सरकार की विज्ञापन सं. एच-12011/153/87-डी-II (ए)/आई. आर. बी-III दिनांक 19-11-91 में यह विवाद औद्योगिक न्यायाधिकरण, जयपुर में इस औद्योगिक न्यायाधिकरण को अन्तरित किया गया तथा 29-11-1991 को नियमित औद्योगिक विवाद सं. 5/1991 पंजीकृत हुआ। विवाद इस तरह है:—

“Whether the action of the management of State Bank of Bikaner & Jaipur in terminating the services of the workmen mentioned in the Annexure with effect from the dates mentioned against each is just and legal? If not, to what relief are the concerned workmen entitled?”

उपरोक्तानुसार विवाद विग्रह के साथ परिशिष्ट में अंकित कर्मचारियों की उल्लेखित तिथियों से सेवा समाप्ति की वैधानिकता से संबंधित है तथा संबंधित श्रम संगठन राजस्थान बैंक एम्प्लॉईज यूनियन ने अपने महासचिव के माध्यम से प्रस्तुत मांग-पत्र आवेदन में प्रकट किया है कि विवाद के साथ संलग्न सूची में उल्लेखित तमाम 1257 कर्मचारी इस श्रम संगठन के सदस्य हैं तथा इन सब कर्मचारियों ने विपक्षी एस. बी. डी. जे. की राजस्थान राज्य में स्थित विभिन्न शाखाओं में कार्य किया है जिनके सेवा विवरण पद व सेवा मुक्ति तिथि मांग-पत्र के साथ विवरण में अंकित है। मांग-पत्र में बताया गया है कि इन सभी 1257 कर्मचारियों ने विभिन्न शाखाओं में पिओन, क्लर्क/सब स्टाफ आदि के रूप में कार्य किया तथा इन कर्मचारियों की स्थाई कार्य पर नियुक्त किया गया था प्रत्युत्त जिस कार्य पर नियुक्त किया गया वह कार्य स्थाई था व सभी का सेवाएं पूर्ण रूप से सन्तुष्ट रहें। आवेदन में बताया गया कि औद्योगिक संस्थान के व्यवसाय में लगातार वृद्धि होने, नई शाखाएं खोलने के कारण कार्य में वृद्धि होती रही जिस कार्य वृद्धि के कारण कर्मचारियों की आवश्यकता होने पर संस्थान ने स्थाई कर्मचारी नियुक्त नहीं कर अध्याई नियुक्तियों की जाती रही तथा उन्हें भी अध्याई के लाभ से वंचित करने के उद्देश्य से उनके 80 दिन की सेवा अवधि पूर्ण होने के बाद में उन्हें सेवामुक्त कर दिये जाने की नीति अपनाई और उन्हें स्थाई होने के लाभ से वंचित करने के उद्देश्य से की गई तथा संस्थान इसके अनुसार कर्मचारियों को 80 दिन की सेवा अवधि पूर्ण करने पर सेवामुक्त करता रहा तथा नये कर्मचारी रखे जाते रहे जो कृष्य व नीति अनुचित व पद नियतीपूर्ण व अनफेयर लेबर प्रेक्टीस है तथा अधिनियम की धारा 25-जी व एच का भी लगातार उल्लंघन है। आवेदन में बताया गया है कि सूची में उल्लेखित अधिकांश कर्मचारियों की 80 दिन की सेवा अवधि पूर्ण होने के बाद कार्य मुक्त कर दिया गया तथा अपवाद तौर पर कुछ को अवधि 80 दिन से कुछ कम व कुछ ज्यादा है तथा इन सभी के स्थान पर नये कर्मचारी नियुक्त किये जाते रहे हैं व नये कर्मचारियों को नियुक्त करने से पूर्व सेवा मुक्त किये गये कर्मचारियों को नियोजन में आने का कोई प्रस्ताव नहीं दिया गया न ही इस संबंध में कोई सूचना या नोटिस प्रेषित किया गया। बताया गया कि कर्मचारियों को सेवा मुक्त करने से पूर्व बरियता सूची प्रकाशित नहीं की गई तथा यह सब कर्मचारी स्थाई प्रकृति के कार्य पर थे एवं स्थाई प्रकृति का कार्य ही सम्पादित करने थे व किसी भी कर्मचारी को नियुक्ति आदेश व सेवा-मुक्ति आदेश भी नहीं दिया गया तथा इस तरह से सेवा समाप्ति छंटनी है। आवेदन में प्रकट किया गया कि 80 दिन की सेवा अवधि पूर्ण होने पर सेवामुक्त करने के पीछे ईशदा यह रहा है कि संबंधित कर्मचारी गण श्रम काननों का लाभ नहीं उठा सके तथा सेवामुक्ति के लिए कोई कार्यवाही भी नहीं कर सके। इस तरह से कर्मचारी-गण की सेवा मुक्ति शास्त्री एवाइ के अनुच्छेद 495 एवं 522(4) के भी विपरीत है। बताया गया कि इस तरह से नियुक्त व सेवामुक्त एवं हाजरी एवं वेतन गतान

का रिकार्ड विभिन्न शाखाओं में है जो संग्रहीत जा सकता है। बताया गया कि इस तरह से 80 दिन पूर्ण होने पर सेवा समाप्त करता तथा उनकी जगह नई नियुक्तियां देना तथा पूर्व के कर्मचारियों को नियोजन का प्रस्ताव नहीं देना तथा श्रम लाभों से वंचित करने का इरादा रखना श्रम विरोधी कार्यवाही भी है तथा सेवा समाप्ति अधिनियम की धारा 25-जी, एच तथा अन्य प्रावधानों व शास्त्री एवाइ के प्रावधानों के विपरीत है। प्रार्थना की गई कि संबंधित सभी 1257 श्रमिकों की सेवा मुक्ति को गृह्य व अवैधानिक घोषित करने हुए सम्पूर्ण वेतन सम्पूर्ण अवधि के लाभों सहित सभी को सेवा में पुनर्स्थापित किया जावे।

विपक्षी औद्योगिक संस्थान ने अपने उत्तर में प्रकट किया है कि कोई औद्योगिक विवाद ही उत्पन्न नहीं हो रहा है अतः यह रेकर्ड नहीं किया जाना चाहिये। उत्तर में यह भी बताया गया है कि सूची में अंकित 1257 कर्मचारी निवेदक श्रम संगठन के सदस्य होना प्रमाणित नहीं होते तथा यह सभी कर्मचारी गण प्राथमिक के अनुसार ही अलग-अलग समय पर अलग-अलग संख्याओं में रखे गये थे तथा अलग-अलग समय पर उन्हें हटाया गया अतः इन सब का विवाद एक साथ नहीं उठाया जा सकता उत्तर में यह भी बताया गया है कि उल्लेखित कर्मचारियों में से किसी ने भी पिओन, क्लर्क/ या सब स्टाफ के तौर पर नियमित तौर से कार्य नहीं किया तथा कोई भी किसी भी नियमित बैंक की सेवा में नहीं रहा। उत्तर के अनुसार कर्मचारियों को अनुबंध के आधार पर रखा गया जो अनुबंध की अवधि समाप्त होने पर सेवाएं स्वतः समाप्त हो गईं तथा किसी भी कर्मचारी ने अनुबंध स्वीकार करने भण्य यह प्रश्न नहीं उठाया कि उन्हें नियमित नियुक्ति क्यों नहीं दी जा रही है तथा अनुबंध समाप्ति पर ऐसा विवाद नहीं उठाया। अतः अधिनियम की धारा 25-जी एच व अन्य कई प्रावधान लागू नहीं होते। यह भी बताया गया कि सूची तथा मांग-पत्र में कहीं भी यह जाहिर नहीं होता कि कर्मचारी को सेवा मुक्त कर उसी कार्य के लिए किसी अन्य को रखा गया हो तथा अब तक किसी तरह से यह विवाद नहीं उठाया गया कि 80 दिन की नियुक्ति क्यों दी जा रही है। बताया गया है कि इन 1257 कर्मचारियों की नियुक्ति या सेवामुक्ति एक ही दिन या एक ही अवधि में नहीं हुई थी अतः बरिष्ठता सूची प्रकाशित करना आवश्यक नहीं था एवं अनुबंध के आधार पर सेवा समाप्ति छंटनी की परिभाषा में नहीं आती बताया गया कि संस्थान की कमी भी यह संशा नहीं रही कि श्रम विधि का उल्लंघन किया जावे। या किसी मिलने वाले लाभों से वंचित किया जावे तथा कोई भी श्रम विरोधी नीति नहीं रही है। यह भी बताया गया है कि कोई भी कर्मचारी सामान्य नियुक्ति प्रक्रिया के आधार पर नियुक्त नहीं हुआ अतः उनकी सेवाएं नियमित नहीं मानी जा सकती-सेवाएं अनुबंध के आधार पर पूर्ण तौर से अध्याई व निश्चित अवधि के लिए थी जो सेवा अनुबंध के साथ ही स्वतः समाप्त हो गई। उत्तर में यह भी बताया गया है कि 1972 से 1986 की अवधि में कथित सेवामुक्त कर्मचारियों का विवाद

उठाया गया है जो अत्यधिक देरी से है तथा इसी आधार पर अस्वीकार किया जाना चाहिये। यह बताया गया कि कुछ कथित कर्मचारीगण कथित सेवा समाप्ति के पश्चात् किस तरह से जीवन-यापन कर रहे हैं यह नहीं बताया गया है तथा किसी भी संबंधित कर्मचारी ने स्वयं ने किसी तरह से ऐसा विवाद नहीं उठाया है। उत्तर में विशेष आपत्ति के तौर पर प्रकट किया गया कि तमाम कथित कर्मचारी-गण निश्चित अवधि के अनुबंध पर रखे गये थे तथा अनुबंध में बताई गई समय अवधि समाप्त होने के पश्चात् अनुबंध समाप्त हो गया जिसके साथ में सेवाएं भी स्वतः समाप्त हो गई जिस निश्चित समय अवधि के पश्चात् सेवा में रहने का कोई अधिकार नहीं रहता है न ही बनता है। यह भी प्रकट किया गया कि यदि प्रार्थीगण को पुनः नियुक्ति दी जाती है तो वे उन कर्मचारी गण उपर आ जायेंगे जो कि सामान्य नियुक्ति प्रक्रिया के अनुसार नियोजित हुए हैं तथा इस तरह से पिछले रास्ते से नियुक्तियां होगी जो कि विधि व संविधान के प्रावधानों के अनुसार नहीं है। न्यय सहित आवेदन अस्वीकार किये जाने की प्रार्थना की गई।

1257 कर्मचारियों की एक सूची प्रस्तुत की है जिसमें कर्मचारियों का नाम उसे जिस तरह के पद कार्य पर लगाया गया, शाखा तथा सेवा समाप्ति की तिथि का विवरण दिया गया है। दूसरी सूची में सेवा प्रारम्भ होने की तिथि तथा कार्य अवधि व कार्य दिवसों का भी विवरण दिया गया है।

साध्य में श्रम संगठन की ओर से संगठन के महासचिव श्री एल.एन. भायल का शपथ पत्र प्रस्तुत किया गया जिसमें आवेदन में अंकितानुसार बताया गया विपक्षी की ओर से संस्थान के एक अधिकारी श्री सतीश कुमार अजमेरा का शपथ-पत्र प्रस्तुत किया गया जिसमें बताया गया है कि नियमानुसार अस्थायी कर्मचारी के रूप में नियुक्ति की आयु सीमा अधिकतम 23 वर्ष है तथा नियुक्ति, नियुक्ति-पत्रों से निश्चित अवधि के लिए की गई थी जो समय अवधि समाप्त होने पर सेवाएं समाप्त हुई तथा अस्थायी कर्मचारी कभी भी स्थायी पदों के विरुद्ध नियुक्त नहीं किये गये। शपथ पत्र में यह भी बताया गया कि बैंक में लिपिकीय स्टाफ की नियमित स्थायी नियुक्ति क्षेत्रीय भर्ती बोर्ड के माध्यम से निर्धारित प्रक्रिया के अनुसार होती है तथा ऐसे अस्थायी कर्मचारी को नियमित नियुक्ति का कोई अधिकार नहीं होता। शपथ-पत्र में यह भी बताया गया है कि बैंक में अचानक कार्य उत्पन्न होने, कार्य अधिक हो जाने से या स्थायी कर्मचारियों के अवकाश पर चले जाने व इसी तरह की प्रशासनिक आवश्यकताओं के कारण कुछ व्यक्तियों की इस तरह से आकस्मिक नियुक्तियों की जाती थीं ताकि ग्राहकों को उचित सेवा उपलब्ध होती रहे तथा यह सब कर्मचारी चाहते तो निर्धारित प्रक्रिया के अनुसार स्थायी पद हेतु आवेदन कर सकते थे। यह भी बताया गया कि ऐसी अस्थायी नियुक्तियों को स्थायी नियुक्ति में परिवर्तित नहीं किया जा सकता तथा कभी भी ऐसे कर्मचारियों को स्थायी रिक्तियों पर नियुक्त नहीं किया गया।

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यह भी बताया गया कि किसी कर्मचारी ने एक वर्ष में 240 दिन या अधिक अवधि तक कार्य नहीं किया। अतः बारंबारता सूची प्रकाशित करना आवश्यक नहीं था। यह भी बताया गया है कि 23-4-87 के परिपत्र के अनुसार ऐसे सभी कर्मचारियों को जिसने बैंक में अस्थायी सेवा दी थी को स्थायी नियुक्ति के लिए एक अवसर देने के लिए टेस्ट परीक्षा ली गई थी तथा इस प्रवसर व प्रस्तावित टेस्ट की सूचना सभी महत्वपूर्ण सम्पूर्ण देश में प्रसारित होने वाले हिन्दी व अंग्रेजी समाचार पत्रों में प्रकाशित की गई थी अतः 25-एच के प्रावधानों की पालना भी कर दी गई थी। यह भी बताया गया कि कई भूतपूर्व अस्थायी कर्मचारियों का स्वर्गवास हो चुका है तथा अधिकतम कर्मचारी गैरफुल कार्य कर रहे हैं। इन शपथ गृहताओं से उनके शपथ पत्रों पर प्रति-परीक्षण भी हुआ।

विपक्षी की ओर से विभिन्न समाचार पत्रों में प्रकाशित उपरोक्त टेस्ट की उपरोक्त विज्ञापितियों की प्रतिलिपियां तथा इस टेस्ट में सफल हुए 226 कर्मचारियों की सूचियों की प्रतिलिपियां प्रस्तुत की गई, संबंधित कर्मचारियों में से कईयों के नियुक्ति आदेश इत्यादि की प्रतिलिपियां भी प्रस्तुत की गई।

उभय-पक्ष के प्रतिनिधीगण के तर्क सुने गये। पत्रावली का अवलोकन किया गया।

सर्वप्रथम प्रस्तुत की गई मौखिक साध्य पर विचार करना है तथा प्रस्तुत की गई सूची के अनुसार उनकी सेवा अवधि व सेवा दिवसों के संबंध में विचार करना व उल्लेख करना उपर्युक्त है। जैसा कि उल्लेख किया जा चुका है कि प्रार्थीगण की तरफ से एक मात्र गवाह संगठन के अध्यक्ष श्री एल.एन. भायल की साध्य हुई है तथा ओर कोई कर्मचारी-जिन कर्मचारियों के हितार्थ यह प्रकरण है, उनमें से कोई भी साध्य में प्रस्तुत नहीं आया है। श्री एल.एन. भायल ने प्रतिपरीक्षण में बताया है उनके अनुसार (1) साध्य में शपथ पत्र उनके स्वयं के ज्ञान पर आधारित नहीं है बल्कि वस्तावेज पर आधारित है (2) नहीं बता सकता कि किसी कर्मचारी ने 240 दिन को सेवा करी या नहीं करी (3) यह भी नहीं बता सकता कि सभी कर्मचारियों को नियुक्ति-पत्र दिये गये या नहीं (4) अभी इन में से कोई भी संगठन के सदस्य नहीं है परन्तु पहले (संभावना) किसी संगठन के सदस्य रहे होंगे, (5) नहीं कह सकता कि यह कर्मचारी संगठन के सदस्य बने या नहीं (6) नहीं बता सकता या नहीं पता यदि किसी या कुछ कर्मचारियों ने ग्रय नौकरी या व्यवसाय कर लिया हो या किसी का स्वर्गवास हो चुका हो (7) यह भी नहीं पता कि इस तरह के अस्थायी कर्मचारियों को नियुक्ति के लिए परिपत्र जारी हुए थे या कोई विज्ञापित प्रकाशित हुई हों। इस तरह निष्कर्ष स्पष्ट है कि प्रस्तुत किये गये गवाह की तथ्यों व प्रकरण की पूरी जानकारी नहीं है जो भी हो वह रिकार्ड के आधार पर है।

इसी तरह से विपक्षी के गवाह श्री सतीश कुमार ने प्रतिपरीक्षण में जो प्रकट किया है उसके अनुसार (1) जिन कर्मचारियों

के बारे में यह प्रकरण है उन्हें अस्थाई तौर पर या लोच वेकेन्सी पर कार्य पर दिया गया था (2) कोई सिनियोरिटी लिस्ट नहीं बनाई गई (3) भिन्न-भिन्न शाखाओं में इस तरह के कर्मचारियों को नियुक्तियाँ दी गई (4) नये कर्मचारी रखे जाने पर उनको नियोजन का प्रस्ताव नहीं भेजा गया (5) कर्मचारियों में से कुछ तो संस्थान में नियोजित हो गये बाकी अधिकतर के बारे में पता नहीं (6) नियुक्तियाँ दी गई तब नियुक्ति आदेश व इसी तरह के दस्तावेज पर कर्मचारियों के हस्ताक्षर किये गये अतः निश्चित अवधि की नियुक्ति दी गई थी। (7) सन् 1987 में ऐसे कर्मचारियों को नियोजन का एक एक अनसर दिया गया था जिसकी विवक्षित जारी हुई थी। इस तरह स्पष्ट है कि कर्मचारियों की सूची के अनुसार जो कर्मचारी कार्यरत रहे थे उनमें से किसी को भविष्य में इस तरह का नियोजन उचित होने पर नियोजन का प्रस्ताव नहीं दिया गया।

कर्मचारियों को सूची देनी जाने तो प्रकट होता कि इन 1257 कर्मचारियों में से कुल लगभग 40 ऐसे हैं जिनके कार्य-दिवस सौ या अधिक रहे हैं बाकी सभी के कार्यदिवस सौ से कम रहे हैं तथा अधिकतम के 75 से 80 के मध्य रहे हैं। उपरोक्त जाँची में से भी अधिकतर सन् 80 या इसके पहले के हैं। इस तरह से यह सुरक्षित तौर से कहा जा सकता है कि जिन कर्मचारियों के सौ या अधिक कार्य दिवस हुए उनका अब शायद कोई भी हित यह वाद प्रस्तुत होने के दस वर्ष निकल जाने से तथा अब बीस वर्ष निकल जाने से नहीं रहा। 1257 कर्मचारियों की इस सूची में सबसे पहला कर्मचारी सन् 1970 का प्रवाद होता है तथा जिसकी कार्य अवधि समाप्त हुए सबसे कम समय हुआ है। ऐसे कर्मचारी सन् 1986 व इसके बाद के 14-15 से अधिक प्रकट नहीं होते जिनमें से भी वर्ष 87 के तीन-चार ही हैं जिनके बाद का कोई नहीं प्रतीत होता है। यह विवाद अक्टूबर 1990 में रैकॉर्ड किया गया था अतः सुरक्षित तौर से यह कहा जा सकता है कि ऐसे कर्मचारी जिनकी सेवा समाप्त हुए पाँच वर्ष से कम समय हुआ है लगभग 20-25 तक ही हो सकते हैं तथा शायद कोई भी ऐसा नहीं है जिसकी सेवाएं समाप्त हुए तीन वर्ष से कम हुए हैं। पाँच वर्ष का समय अत्यधिक होता है तथा अब यह समय लगभग 4-15 वर्ष हो रहा है अतः सुरक्षित तौर से यह कहा जा सकता है कि कुछ अपवादों को छोड़कर शायद ही अब किसी का हित इस नियोजन में रह गया हो। यह ध्यान में रखा जाना चाहिये कि यह दैनिक वेतन पर नियोजन था जो आकस्मिक तौर पर नियोजन बताया जाता है। यह उल्लेख हो चुका है कि कोई भी कर्मचारी साध्य में प्रस्तुत नहीं हुआ है—ऐसा कोई तथ्य उल्लेख नहीं है जिससे यह प्रतीत हो गकि कोई भी कर्मचारी अभी किसी भी नियोजन या व्यवसाय में नहीं गया लगभग इतनी आय अर्जित नहीं कर रहा है जितनी कि ऐसे दैनिक वेतन कर्मचारी रहने पर करता। आवेदकों की ओर से कहीं भी यह नहीं बताया गया है कि उन्होंने विपक्षी के यहां इस तरह के नियोजन में रहने के लिए आवेदन कर के या अथवा कोई प्रयास किया था।

प्रतिनिधि प्रार्थी ने तर्क दिया है कि अधिनियम की धारा 25-जी व एच तथा नियम 77 व 78 के प्रावधान आदेशात्मक हैं तथा इसकी पालना की ही जानी चाहिये तथा पालना नहीं किया जाना विधि का उल्लंघन होकर श्रम विरोधी कार्यवाही है। प्रार्थी की ओर से यह भी तर्क दिया गया है कि सूची से ही स्पष्ट है कि सन् 70 से सन् 86 तक इस तरह के नियोजन विभिन्न शाखाओं में होते रहे तथा विपक्षी ने कहीं यह नहीं बताया है कि किसी अन्य कर्मचारी को नियुक्त करने से पहले पूर्व में जो कर्मचारी कभी नियुक्त रहे थे उसे पुनर्नियोजन का प्रस्ताव नहीं दिया गया हो। प्रार्थी गण की ओर से यह बताया गया कि ऐसे सभी कर्मचारियों को अब पुनः सेवा में रहने का प्रस्ताव दिया जाता चाहिये तथा भविष्य में भी नई रिक्तियों उपलब्ध होने पर नियोजन का प्रस्ताव दिया जाना चाहिये व स्थाई रिक्तियों पर उनका चयन या नियुक्ति के संबंध में निर्देश दिये जाने चाहिये। इन तर्कों के सम्पर्क में अधिनियम की धारा 25-जी, एच तथा नियम 77-78 की तरफ न्यायालय का ध्यान आकृषित किया गया तथा निम्नलिखित प्रावधानों भी प्रस्तुत की गई जिनका आदरपूर्वक अवलोकन कर प्रस्तुत प्रकरण के तथ्यों के संदर्भ में विचार किया गया :—

(1) आर. एन. आर. 1994(1) पेज 580—सम्माननीय राजस्थान उच्च न्यायालय—भाग चन्द जैन बनाम राजस्थान राज्य पाठ्य पुस्तक मंडल व अन्य—इस मामले में कर्मचारी की सेवाएं जुलाई 77 से जून 87 तक लगभग नौ वर्ष तक लगातार रही तथा 25-एच का उल्लंघन प्रमाणित होने पर सेवा में तमाम लाभों सहित पुनर्स्थापित किया गया।

(2) डब्ल्यू. एल. आर. 1991 (एस) एस. सी. -1—सम्माननीय उच्चतम न्यायालय—श्री मती संतोष कुमारी बनाम स्टेट बैंक ऑफ पंजाब व अन्य—यदि नियमित व स्पष्ट रिक्तियाँ हों तो 89 दिन के बाद में सेवाएं संपादित नहीं की जा सकती नियुक्ति गंदाव्यक्त कर्मचारियों के नियमित पद के विरुद्ध की गई है।

(3) (1999) 3 एस. टी. सी-14—ममिस्ता दुबे बनाम सिटी बोर्ड इयावा व अन्य

उपरोक्त पिछांतों से स्पष्ट है कि दैनिक वैतनिक कर्मचारियों पर अधिनियम के प्रावधान लागू होते हैं तथा 25 एच के प्रावधानों के लिए आवश्यक नहीं है कि 240 दिन या और किसी निश्चित अवधि की सेवाएं निश्चित तौर से रही।

विपक्षी की ओर से तर्क दिया गया है कि (1) जिन कर्मचारियों के लिए यह विवाद उठाया गया है उनमें से किसी का भी श्रम संगठन का सदस्य होना प्रमाणित नहीं है अतः यह विवाद चलने योग्य नहीं है (2) श्रम संगठन का ऐसा कोई प्रस्ताव या अन्य किसी तरह से यह वाद प्रस्तुत करने का अधिकार पदाधिकारी को दिया जाना व यह विवाद उठाने का अधिकार प्रमाणित नहीं है।

विपक्षी की ओर से तर्क दिया गया है कि तमाम कर्मचारियों की नियुक्ति निश्चित अवधि के लिए की गई थी तथा इस हेतु नियुक्ति पत्र/अनुबंध में ही स्पष्ट कर दिया गया था कि उक्त निश्चित अवधि के लिए नियोजन है व अवधि समाप्त होने पर स्वतः ही सेवाएं समाप्त हो गईं सूचित कारण व आधार होने पर इस तरह से कार्यरत रहे कर्मचारियों को ऐसा पुनर्नियोजन का अवसर देना आवश्यक नहीं है। सेवा अवधि को काफी लम्बा समय हो चुका है तथा यह मानने का कोई कारण नहीं है कि कोई भी कर्मचारी ऐसे नियोजन में पुनः आने के लिए ईच्छुक या तत्पर था, समय-समय की आवश्यकताओं व आकस्मिक कारणों से जैसे कर्मचारियों का अवकाश पर हो जाना—तमय विशेष पर व्यवसाय बढ़ जाना, किसी विशिष्ट कार्य के लिए कर्मचारियों की आवश्यकता होना इत्यादि के कारण नई नियुक्तियों की गई थीं।

इस तरह के कर्मचारियों को जो मोटे तौर पर आकस्मिक दैनिक वृत्तिक कर्मचारी हैं, कार्य व पद के कोई अधिकार उत्पन्न नहीं होते। विपक्षीयता की ओर से यह बताया गया कि विपक्षी संस्थान विधि के अन्तर्गत गठित एक संस्था है जिसमें नियोजन इस हेतु निर्धारित नियम व प्रक्रिया की कठोरता से पालना करके ही किया जाना अपेक्षित व आवश्यक है। यह भी बताया गया तथा इसपर बल दिया गया कि इस तरह के कर्मचारियों को उनकी न्यूनतम योग्यता रखने व उपर्युक्त गाने पर स्थाई पदों पर नियोजन के लिए एक अवसर दिया गया था जिसकी विजय देश भर में प्रसारित हुए सप्ताहिक पत्रों व अन्य माध्यम से प्रसारित की गई थी जिसके अनुसार कार्यरत रहे ऐसे सभी कर्मचारी आवेदन कर सकते थे। बताया गया कि बड़ी संख्या में कर्मचारियों ने आवेदन भी किये गये थे जिसमें से कई सफल भी हुए तथा उन्हें नियमित नियुक्ति दे दी गई तथा अब बाकी बचे रहे उनकी कोई अधिकार नहीं रह गया है। जो कर्मचारी रह गये हैं या तो उन्होंने उन्हें लिये जाने के लिए आवेदन नहीं किया था वे उसमें सफल नहीं हो सके तथा प्रत्येक परिस्थिति में अब वे नियोजन के लिए उपयुक्त नहीं हैं। अतः 25-एच के अन्तर्गत उन्हें नहीं लिया जा सकता। इन तर्कों के समर्थन में विभिन्न व्यवस्थाएं प्रस्तुत की गईं जिनका आदर्शपूर्वक यत्रलोकन कर प्रस्तुत प्रकरण के तथ्यों के संदर्भ में विचार किया गया।

- (1) आर.एल.उल्लू. 1988 (1) राज. पेज 161—इंडियन नेशनल बैंक एम्प्लोईज कांफ्रेस बनाम सेंट्रल इंडस्ट्रियल ट्रिब्यूनल व अन्य—यह 74 से 81 दिन तक प्रस्थाई तौर से कार्यरत रहे कर्मचारियों का मामला था जिसमें 25-एच व शास्त्री एवार्ड का उल्लंघन बताया गया था—सेवाएं वर्ष 81 से 85 के मध्य की थी जब कि मांग वर्ष 1988 की थी—यह प्रकट किया गया है कि धारा 25-जी का नियम प्रत्येक स्थिति में बाध्यात्मक नहीं है तथा प्रबंधन सव-भावना व उचित कारणों पर इससे डिपचिर कर सकता है।

- (2) ए.आई.आर. 1997 सुप्रीम कोर्ट—3657—हिमांशु कुमार विद्यार्थी बनाम स्टेट आफ बिहार व अन्य.

- (3) भारत का राजपत्र जून 4, 1988 जिसमें सेंट्रल गर्वनमेंट इंडस्ट्रियल ट्रिब्यूनल नई दिल्ली के औद्योगिक विवाद सं. 38/84 श्री काबुल सिंह व अन्य बनाम एस.वी. बी. जे. जयपुर का निर्णय प्रकाशित हुआ है तथा इस तरह के 138 कर्मचारियों को उल्लेखित कारणों से किसी तरह के अनुतोष का अधिकारी नहीं पाया गया है।
- (4) सेंट्रल इंडस्ट्रियल ट्रिब्यूनल जयपुर के प्रकरण विलोक सिंह व नियोजक स्टेट बैंक ऑफ इंडिया बालिपर का दिनांक 28-2-92 का निर्णय।
- (5) सम्माननीय राजस्थान उच्च न्यायालय की एन.बी. सिंघान रिट पिटीशन नं. 2221/87—लक्ष्मी प्रसाद बनाम युनियन आफ इंडिया—16 वर्ष की देरी से औद्योगिक विवाद उठाया जाना अस्वीकृत किया गया।
- (6) 1998 (1) एल.एल. जे. -716—बम्बई उच्च न्यायालय—महाराष्ट्र राज्य बनाम दयानेश्वर राकमाजी अहिर अन्य—दैनिक वेतन कि कर्मचारी जिसने कि विवाद लगभग पांच वर्ष बाद में उठाया था को किसी अनुतोष का अधिकारी होता नहीं माना।
- (7) 1999(1) एल.एल. जे. -767—पंजाब एवं हरियाणा उच्च न्यायालय—अजायब सिंह बनाम सराहेन्द कापरेटिव मार्केटिंग कन प्रोप्रेटिंग सर्विस सोसाइटी लि. सरहिन्द मण्डी व अन्य—देरी व समय अवधि के बारे में है।
- (8) ए.आई.आर. 1992 सुप्रीम कोर्ट-270—डायरेक्टर इंडस्ट्रीज आफ मैनजमेंट डेवलपमेंट यू.पी. बनाम श्रीमती पुष्पा श्रोवास्तव—एड्रॉक अस्थाई नियुक्ति छः माह के लिए—जो एक साल लगातार रही तो नियमित पद का अधिकार नहीं बनता।
- (9) इनादबाद हाईकोर्ट की सिविल मि. रिट पिटीशन नं. 14969/92—सन्तोष कुमार बनाम स्टेट ऑफ यू.पी. के 7-1-93 के निर्णय निश्चित अवधि का नियोजन होने पर अवधि समाप्त होने पर नियुक्ति समाप्त।
- (10) सेंट्रल इंडस्ट्रियल ट्रिब्यूनल नई दिल्ली प्रकरण संख्या 18/81 उवाराभ कुम्हार व अन्य बनाम स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर के 25-7-83 के निर्णय की प्रतिलिपि।
- (11) इलाहाबाद हाईकोर्ट की सिविल मि. रिट पिटीशन नं. 23992/1998—स्टेट बैंक ऑफ

बीकानेर एण्ड जयपुर बनाम अशोक कुमार व अन्य में दिनांक 20-4-99 के आदेश की प्रति-प्रतिलिपि ।

जहां तक प्रार्थी संगठन को यह विवाद उठाने का अधिकार है, प्रार्थी की ओर से प्रस्तुत हुई साक्ष्य में आये हुए सध्यों का उल्लेख किया जा चुका है—संगठन का यह विवाद उठाने के लिए कोई प्रस्ताव या और किसी तरह से किसी को अधिकार दिया जाना प्रकट नहीं होता—1257 कर्मचारियों में से किसी का भी इस संगठन का सदस्य होना प्रमाणित नहीं होता अतः अप्रार्थी के इस तर्क को सारहीन नहीं कहा जा सकता कि इन कर्मचारीगण की तरफ से संगठन को विवाद उठाने का अधिकार नहीं है ।

विपक्षी की ओर से कर्मचारी की निश्चित अवधि के लिए नियुक्ति बताई गई है तथा कई कर्मचारियों के नियुक्ति-पत्र इत्यादि प्रस्तुत किये गये जिनके अनुसार उल्लेखित निश्चित अवधि/तिथि तक के लिए ही उनका नियोजन था प्रार्थी की ओर से तर्क दिया गया कि निश्चित अवधि के नियोजन के बारे में औद्योगिक विवाद अधिनियम में परिवर्तन 1984 से ही हुआ है अतः यह तर्क मानने योग्य नहीं रह जाता । छंटनी की परिभाषा में यह संशोधन अगस्त 1984 से हुआ है अतः अगस्त 1984 से पूर्व के कर्मचारियों के लिए निश्चित अवधि के नियोजन का विपक्षी का यह तर्क मानने योग्य नहीं है । परन्तु इस संस्थान में वाद में निश्चित अवधि के लिए जो कर्मचारी नियोजित हुए हैं उनकी यदि निश्चित सेवा अवधि होने पर सेवा समाप्ति छंटनी हुई है तो वह छंटनी नहीं है ।

परिणामस्वरूप सन् 1985 व 1986 में जिनकी सेवाएं समाप्त हुई उनकी कोई अनुतोष अब इस प्रकरण में नहीं मिल सकता यदि उनकी सेवा निश्चित अवधि की थी तथा वह निश्चित अवधि समाप्त होने पर सेवाएं समाप्त हुई थी ।

जिन विवादों के लिए विधि के अंतर्गत कोई निश्चित समय अवधि निर्धारित नहीं है उनके लिए भी यह निश्चित तौर से कहा जा सकता है कि समय के साथ में वे अधिकार या तो समाप्त या क्षीण या प्रभावहीन या महत्वहीन हो जाते हैं । प्रस्तुत प्रकरण में कर्मचारियों की सूची देखने से ही स्पष्ट है कि लगभग आधे कर्मचारी सन् 80 या इसके पहले के हैं तथा आधे सन् 86 या इसके मध्य के हैं जिनकी सेवाएं समाप्त हुई यह विवाद उठाने के समय एक पांच वर्ष हो चुके हैं तथा अब लगभग 14-15 वर्ष हो रहे हैं—यह अवधि विशेषतौर से आकस्मिक दैनिक नियोजन के लिए अत्यधिक लम्बी अवधि है । चार पांच वर्षों की अवधि भी ऐ किसी अधिकार व हित के लिए काफी लम्बी होती है जिस संबंध में यदि कोई अधिकार रहे हैं तो वे समाप्त हो जाते हैं । यहां पर यह उल्लेखनीय है कि अवधि के साथ में नियोजक की आवश्यकताएं

आर्थिक कर्मचारियों की आवश्यकताएं कार्य के लिए हितता पात्रता, कार्य तथा कार्यों के विधिवत् व कार्य के साधनों की प्रकृति इत्यादि सब से महत्वपूर्ण परिवर्तन हो जाता है । अतः अस्थायी तौर से 80-90 दिन कार्यरत रहे कर्मचारियों द्वारा पांच वर्ष तक कोई विवाद नहीं उठाने पर उनके अधिकार समाप्त या विलुप्त माने जा सकते हैं । यह भी माना जा सकता है कि कि इस तरह के नियोजन के लिए वे अब इच्छुक नहीं हैं अतः देरी के आधार पर प्रार्थीगण इस प्रकरण में कोई अनुतोष प्राप्त करने के अधिकारी नहीं रह जाते ।

विपक्षी की ओर इस तरह के अस्थायी कर्मचारियों को नियमित नियोजन का एक अवसर दिया गया जैसा कि उल्लेख किया जा चुका है सन् 85-86 के बहुत कम कर्मचारी हैं तथा सन् 87 के बाद का शायद कोई नहीं है । इस तरह के कर्मचारियों को स्थायी नियोजन में आने का विज्ञापन दिया गया था । विज्ञप्ति दिनांक 6-7-87 हिन्दुस्तान टाइम्स, दिनांक 7-7-87 को टाइम्स ऑफ इण्डिया, लखनऊ, हैदराबाद, पटना व अन्य संस्करणों में तथा टाइम्स ऑफ इण्डिया बम्बई में 10-7-87, एम्प्लोयमेन्ट न्युज दिनांक 18-7-87 एम् राजस्थान पत्रिका में 2-7-87 को व 3-7-87 को प्रकाशित किये जाने की फोटो स्टेट प्रतिलिपियां प्रस्तुत की गई हैं—अन्य तरह से भी यह विज्ञप्तियां प्रसारित हुई थी—ऐसी विज्ञप्तियां प्रसारित किए जाने का किसी तरह कोई विखण्डन नहीं किया गया है । इन विज्ञप्तियों के अनुसार इस संस्थान के सभी भूतपूर्व अस्थायी तथा वर्तमान में कार्यरत ऐसे कर्मचारियों को स्थायी सेवा में लेने का अंगित एक बार अवसर दिया गया तथा केवल लिपिक वर्ग के लिए लिखित परीक्षा व साक्षात्कार के माध्यम तथा अधिनस्थ स्टाफ के लिए केवल साक्षात्कार के माध्यम ही चयन की व्यवस्था की गई तथा सूचित किया गया कि अन्य सभी योग्य तथा इच्छुक व्यक्ति इस अवसर के अन्तर्गत आवेदन देकर अवसर का उपयोग करें । इस तरह यह प्रमाणित है कि इस विवाद में जिन कर्मचारियों का हित हो सकता है उन सभी कर्मचारियों को स्थायी नियोजन में आने का एक अवसर दिया गया था । यदि कर्मचारियों ने आवेदन नहीं दिया या वे इसके योग्य नहीं पाये गये तो अब उन्हें उपरोक्त अस्थायी सेवाओं के आधार पर नियमित पदों के लिए कोई अधिकार नहीं रह जाते । स्थायी पदों पर नियमित तौर से लेने के लिए यदि कोई उस न्यूनतम पात्रता रखी गई तो अनुचित भी नहीं कहा जा सकता ।

तदनुसार यह औद्योगिक विवाद अधिनिर्णित होगा कि संबंधित कर्मचारीगण कोई अनुतोष प्राप्त करने के अधिकारी नहीं हैं सेवा समाप्ति अनुचित या अवैधानिक नहीं कही जा सकती ।

अधिनिर्णय

श्रम मंत्रालय भारत सरकार की विज्ञप्ति सं. एल. 12011/153/87 डी-II(ए)/आई.आर.बी. III के अन्तर्गत

प्रेषित विवाद इस तरह अधिनिर्णित किया जाता है कि प्रबन्धन स्टेट बैंक ऑफ बीकानेर एण्ड जयपुर द्वारा कर्मचारीगण की सेवा समाप्ति अनुचित एवं अवैधानिक नहीं है। श्रमिकगण कर्मचारीगण कोई अनुतोष प्राप्त करने के अधिकारी नहीं हैं। इस अधिनिर्णय को प्रकाशनार्थ श्रम मंत्रालय, भारत सरकार, नई दिल्ली को प्रेषित किया जाये।

यह अधिनिर्णय आज दिनांक 20-5-1999 को न्यायालय में हस्ताक्षर कर सुनाया गया।

चांदमल नोतला, न्यायाधीश

नई दिल्ली, 10 जून, 1999

का.आ. 1868:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एअर इंडिया लिमि. के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं-1, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-06-99 को प्राप्त हुआ था।

[सं. एल-11012/5/92-आई-आर (मामल) (कोल)]

बी.एस.ए.ए.ए.ए. राज, डैस्क अधिकारी

New Delhi, the 10th June, 1999

S.O. 1868.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 03-06-1999.

[No. L-11012/5/92-IR(Misc.) (Coal)]

V. S. A. S. P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, MUMBAI
PRESENT:

Shri Justice C. V. Govindhan, Presiding
Officer.

REFERENCE NO. CGIT-45 OF 1995

PARTIES:

Employers in relation to the management of
Air India Limited

AND

Their Workmen

APPEARANCES:

For the Management: Shri Swamy, Advocate.

For the workman: Shri Mokashi, Advocate.

1759 GI/99-32

STATE : MAHARASHTRA

Mumbai, dated the 12th day of January 1999

AWARD—PART-I

1. The Central Government by its order dated 26-10-95 has referred the following dispute between the management of Air India Ltd. and its employee Shri B. B. Tupsundare, for adjudication by this tribunal.

“Whether the action of the management of erstwhile Air India now Air India Limited, in reducing the basic pay of Shri B. B. Tupsundare, Driver from Rs. 450 to Rs. 320 (pre-revised scale) is legal and justified? If not to what relief the workman is entitled to?”

2. The second party workman in his claim statement contends as follows:

The second party was employed as a Driver in the Ground Deptt. of the first party since 1978. On 8th April, 1987 he was placed under suspension by the first party alleging that on 12th March 1987 when he reported for duties in the first shift he was not wearing uniform; that he refused to comply with the instruction given by one Mr. Jagmohan Singh, Superintendent (Transport) to wear uniform, that the Superintendent by his letter dated 27-3-1987 and 02-4-1987 advised the workman to wear uniforms while on duty and despite that the workman did not comply with the said instruction. It was also alleged that the workman was keeping the punch card with him since 17th March 1987. It was also alleged that on 12-3-1987, he was assigned to entry 'B' Patti to Kurla starting from PPO at 0645 hours and instead of carrying out the allocation assigned to him he reported back to his office at 0655 hours and informed Mr. Pareina, Transport Officer that he would not carry out the allocation as the vehicle MMP-881 was having the following snags: (1) tire pressure to be checked and (2) driver's seat not properly fitted. It is the case of the first party that there was no defect in the vehicle as alleged by the workman and the work allocated to the workman was subsequently done by Mr. Fernandes with the said vehicle without any rectification. According to the management, there has been misconduct on the part of the employee and therefore, he was charged with wilful disobedience of the lawful and reasonable orders of the superiors, breach of rules of the establishment and commission of acts subversive of discipline. The workman was asked to give his explanation. He gave an explanation stating that the charge sheet issued to him was a colourable exercise of powers and denied the allegations in the charge sheet. At no point of time the management had ever shown that the workman was driving the vehicle without putting on uniform supplied to him. Regulation 50 is being misinterpreted. He also pointed out

that the doubt which he expressed about tyre pressure and the adjustment of the seat in the vehicle has been taken to be disobedience. An enquiry committee was constituted and the enquiry commenced on 12th September 1987. The workman had asked for a book known as "Snag Book". It was not produced. The first party has not examined Mr. Fernandes who was ultimately allocated the duties of the workman for driving the vehicle, in spite of the fact that the workman had asked for examining the said Mr. Fernandes. The workman requested the enquiry committee to have a spot investigation to see that very many persons come without uniform to the office and after reporting, put on their uniform and do their work. The Ground service department operators are never found in the uniform. One Mr. Waghela who was initially allocated the vehicle MMP-881, refused to ply the same due to some snag on 12-3-1987. The Dy. Director by his order dated 27-3-1988 ordered the workman to draw basic pay of Rs. 320 w.e.f. 1st April 1988. It was ordered that his normal increment of 1989 will be considered subject to attendance, conduct and performance being satisfactory. No period was mentioned. The workman on receipt of the said order of punishment preferred an appeal to the Managing Director of the first party. Without giving any hearing to the workman the Managing Director rejected the appeal. The entire proceedings was with bias attitude with pre-determination to inflict punishment on the workman. The enquiry was not fair and proper and the appellate authority asked in a most biased manner, as the workman was an active member of the Union known as "Air India Employee's Guild". It was an act on the part of the authorities to pressurise the workman in order to keep him away from union activities. The order does not mention any period hence the workman is entitled to an order holding that action of the management is bad and declare the order passed by the department as illegal, inoperative and void ab initio, and to fix his pay without any reduction.

The management in their written statement contends as follows : There is no community of interest as contemplated under the Act. The reference is therefore not maintainable in as much as the same is not an "Industrial Dispute" as to defined under the Act. On 18 occasions, disciplinary action was taken against the workman. He is in the habit of refusing to obey the lawful and reasonable instruction of his superiors. The charge sheet has been issued in pursuant to the misconduct committed by the workman. The reply of the workman was not found satisfactory and therefore, an enquiry was ordered. The enquiry committee informed the workman that as per the information received from the Transport movement office, the snag book could not be located and thereafter the workman did not insist upon the production of the same. The management witness has confirmed that the Time office officials have clarified that the

punching card was available and therefore in the opinion of the enquiry committee it was not necessary to call for the report in the Time Office. It is denied that no misconduct has been committed by the workman by driving the vehicle without putting the uniform. It amounts to breach of rules and also act subversive of discipline. The workman cannot decide as to who should be the witness of the management, if in the opinion of the workman, Mr. Fernandes was a relevant and material witness, the workman should have brought Mr. Fernandes as his witness. Mr. Waghela never entered the concerned vehicle and therefore was not aware of the snags in the vehicle. In the order of punishment it is mentioned that the normal increment will be considered subject to attendance, conduct and performance of the workman concerned being satisfactory. The workman can not have any grievances on the same. The increment pertains to the year 1989 and there was no reason to mention any period separately. After considering the material on record of the workman the Managing Director was of the opinion that the Competent Authority should have awarded severe punishment to the workman and therefore no personal hearing was given to the workman. The authority considered the material on record before the Competent Authority as well as the Appellate Authority with the findings of the enquiry committee. It is denied that the workman is victimised for his trade union activities. If the Tribunal comes to the conclusion that the findings are perverse an opportunity may be granted to the management to prove the charges before the tribunal. The workman is not entitled to any relief. The reference may be rejected.

4. The workman has also filed a rejoinder. The following preliminary issue was framed by my predecessor.

"Whether the dispute in question referred to this tribunal is an industrial dispute and hence can be adjudicated by the Tribunal?"

The point for consideration is whether the enquiry against the workman is fair and proper and whether the finding of the enquiry officer is perverse?

Preliminary Issue dated 17-12-96 :

The second party workman has been given a punishment in reduction of the basic pay from Rs. 450 to 320 (pre-revised scale) by the first party management and the question whether it is legal and justified is the subject matter of this reference. The first party management in their written statement has contended that the reference is not an industrial dispute as contemplated under the provisions of the Industrial Dispute Act 1947. Industrial Dispute is defined as follows :

"Industrial dispute" means any dispute or difference between employer and employers, or between employers and workmen, or between workmen and workmen,

which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person."

The management has taken the stand that since it is not a case of non-employment of the worker and they have alleged in the written statement that there is no community of interest as contemplated under the Act.

5. The learned counsel appearing for the worker has argued that this allegation in the written statement is very vague and they have failed to state what is community of interest. No doubt, it is an individual dispute of the workman and his employer with regard to the reduction of the basic pay of the worker and it is not a case of non-employment of the worker. In ascertaining whether an individual dispute has acquired the character of an industrial dispute the test is whether on the date of the reference the dispute was taken up as supported by the union of the workman or the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen. This dispute is one raised by the individual second party against his employer. We have to see whether on the date of the reference this dispute was taken up as supported by the union of the workman of the employer in order to find out whether it is an industrial dispute or not? The worker has examined one witness on his behalf to show that the union has taken up his dispute. One Mr. A. V. Patankar, an ex employee of the first party has filed an affidavit stating that there have been many workers like Mr. Tupsundare and the persons in the management were very much against not only Mr. Tupsundare but also all the activists of the Union led by Shri Kulkarni presumably because the management did not like the said union which was always taking up the various causes of the workers and making it inconvenient to the management. He has further stated that the cause of Mr. Tupsundare was taken up with the Labour Officer for ventilating the grievances and there was a community of interest in the matter of Mr. Tupsundare with a view to see that the workers who are activists of the trade union are made scapegoats. He has reiterated the same by saying that so far as the present reference is concerned there is community of interest as stated hereinbefore, while justice is due to Mr. Tupsundare since it has been denied so far. During cross examination, he has stated that Mr. Tupsundare has not signed any charter of demand but he has also stated that Mr. Chopdekar appeared before the Conciliation Officer for espousing the cause of Mr. Tupsundare and that he was aware that a decision was taken by the Executive Committee in writing that Mr. Chopdekar and himself will appear in the conciliation proceedings in the case of Mr. Tupsundare. According to this witness Mr. Tupsundare was an elected member of the managing committee of the

union but he does not remember the year in which he was elected. Apart from this evidence of Mr. Patankar, which shows that the union has taken up the cause of the worker during conciliation before the conciliation officer, the report of the Assistant Labour Commissioner (C)-III to the Government also show that the cause of the worker was taken up for conciliation by the union and the conciliation has failed. It is specifically stated by the A.L.C. in his letter dated 17th December 1992 as follows :

"This is an industrial dispute raised by the Joint Secretary, Adhoc Managing Committee, Air India Employees Guild vide representation dt. 27-12-90 against the management of Air India alleging the illegal punishment of Mr. Tupsundare".

This documentary evidence also shows that the cause of the workman was taken up by the Union in which the worker is said to be an elected member of the managing committee once. As per the decision of the Supreme Court reported in 1961 Supreme Court 436 between Bombay Union of Journalists and others and the "Hindu" Bombay and another if at the date of reference an individual dispute was taken up as supported by the Union or appreciable number of workmen of the employer, the individual dispute raised by an individual workman assumed the character of an industrial dispute. Therefore, I am of opinion that in the present case even though the dispute between the worker and the management is an individual dispute, it has acquired character of industrial dispute on account of the fact that the union has taken up the cause of the workman and therefore, the objection with regard to the maintainability of this reference made by the management in their written statement is without merits. The preliminary issue is therefore answered in the affirmative and thus it can be adjudicated by this tribunal.

The Point :

The learned counsel appearing for the worker has argued that the enquiry conducted by the enquiry committee is not fair and proper and the finding given by the enquiry committee is also perverse on all the three charges. The learned counsel would draw the attention of this tribunal to the recording of the proceedings by the enquiry committee which shows that the committee has recorded that the charge sheet issued to the worker was read over to the management witnesses and they were apprised of the purpose of being called before the committee. According to the learned counsel the conduct of the enquiry committee in apprising the purpose of the witnesses being called before it has caused prejudice to the workman. I wish to observe that appraisal does not mean tutoring. The witnesses were informed the purpose of their being called before the committee and that has been recorded as appraisal of being called by the

enquiry committee. Further, it is not as if the enquiry committee has recorded the appraisal made by them to the management witnesses alone when they were called before the committee. Even before the examination of the defence witness Mr. Waghela, the Enquiry committee has recorded that the charge sheet to the charge sheeted employee was read over and Mr. Waghela was apprised of his presence before the enquiry committee. Therefore, it cannot be stated that the enquiry committee has committed an error which vitiates the enquiry when it has apprised the purpose for which witnesses were required to be present before the enquiry committee.

6. The learned counsel appearing for the employee has also argued that the enquiry committee has put questions to the management witnesses and elicited answers from them and it amounts to filling up the lacunae in the evidence of the management witnesses and it has also caused prejudice to the worker and on that ground also the enquiry is vitiated. The enquiry committee has put certain questions to the witnesses on behalf of the management for clarification. In the decision reported in 1975 Supreme Court 2125 between Mulchandani Electrical and Radio Industries Ltd. v/s. The Workmen it has been held that the Enquiry Officer in a domestic enquiry can put questions to the witnesses for clarification wherever necessary and if he allows the witnesses to be cross-examined thereafter, the enquiry proceeding cannot be impeached as unfair. In the decision reported in 1995 II LLJ between Pravin Ratilal Dudhara and Municipal Corporation of Greater Bombay, the Bombay High Court has held that the Fact that the Presenting Officer was not appointed during the enquiry would not vitiate the proceedings and the Enquiry Officer did not overstep in putting the questions and he had merely asked clarificatory questions of witnesses. Therefore, in view of the above two decisions, the argument of the learned counsel appearing for the charge sheeted employee that the enquiry committee had put questions to the witnesses and recorded their answers and it is improper and it has vitiated the enquiry is not a tenable one. The questions put to the defence witnesses by the enquiry committee also cannot be described as a cross-examination by the enquiry committee in view of the fact that there was no Prosecuting Officer and the questions put to the witnesses by the enquiry committee is only to get clarification. Unless it is shown that some prejudice is caused to the worker on account of the questions put to the witnesses by the enquiry committee it cannot be stated that the enquiry as a whole is vitiated as not fair and proper.

7. The learned counsel appearing for the worker has argued that Snag book in which he has recorded the snag to the vehicle on 12-3-87 was not produced and it has caused prejudice to the worker.

It is no doubt true that the worker and his colleague have asked for the snag book to be produced. The enquiry committee has recorded that a communication has been received from the department to the effect that the snag book is not available and therefore, it could not be produced and it has been informed to the worker also. The report of the enquiry committee shows that subsequently the worker did not insist upon the production of the snag book and he has accepted as to why the snag book was not produced. Therefore, non-production of the snag book cannot be sufficient to hold that the enquiry as a whole is vitiated. In the present case, it is the specific case of the management that the vehicle in question in which the worker has alleged two snags has been allocated to another driver by name Mr. Fernandes and it was driven by him without any snag being rectified. According to the learned counsel this Mr. Fernandes has not been examined by the management and it has caused prejudice to the workman. The worker has admitted in this evidence that he has not asked for examination of Mr. Fernandes before the committee in writing. It is also admitted by him that he has not examined Mr. Fernandes as his defence witness. It is needless to point out that the worker cannot compel the management to examine any particular person as the management witness. In the case on hand he has not even asked the management of the enquiry committee in writing to examine Mr. Fernandes as a management witness. Therefore he cannot have any grievances over the non-examination of Mr. Fernandes as management witness. The worker has not chosen to examine Mr. Fernandes. If he had desired to examine a witness as defence witness and he has been deprived of an opportunity to examine Mr. Fernandes it can be stated that it has caused prejudice; but when he has not even asked to examine Mr. Fernandes as a defence witness, on this ground also the employee cannot have any grievance.

8. From the above materials I am of opinion that the case of the management that the charge sheeted employee has alleged some snags to the vehicle he was directed to drive is only to give a lame excuse for not obeying the orders is convincing and acceptable.

9. The learned counsel appearing for the worker who has referred the above materials to establish that the enquiry is not fair and proper has also argued that the finding of the enquiry committee is perverse. According to the learned counsel every worker is provided with a locker where they can keep their personal materials including their uniforms and if the worker comes in civil dress and changes to uniform, there is nothing wrong in it. It has been the specific case of the management that the charge sheeted employee was never in the habit of wearing uniform while on duty which is a

violation of rule 50. The learned counsel who refers to the above rule would contend that as per this rule categories of employees as may be specified from time to time shall while on duty wear uniform supplied to them and it means that they should wear the uniform only when they are discharging their duties and not when they report for duty. According to the learned counsel on 12-3-97 he was not in uniform only when he reported before Mr. Jagmohan Singh and it cannot be stated that he was on duty at that time. It is the specific case of Jagmohan Singh and the other witness examined on behalf of the management that the charge sheeted employee is not in the habit of wearing full uniform while on duty. Even the defence witness Mr. Katkar has admitted that the charge sheeted employee was not wearing full uniform when he reported for duty before Mr. Jagmohan Singh. The first reaction of the workman on receipt of the charge sheet is seen from his reply dt. 20th March, 1987. He has stated that most of the staff do not wear the uniform during the duty period and he has been pin pointed and issued with the letter dt. 17th March, 1987 regarding wearing of uniform while on duty. The fact that he was not wearing uniform is not denied by him. The worker wants to justify his action of not wearing uniform by saying that the other staff also do not wear the uniform during their duty period. In fact, the worker has requested the enquiry committee also to have an inspection to find out whether all the other employees were in uniform since according to the workman the other workers also did not wear uniform while on duty. The enquiry committee has rejected the request made by the worker to have a local inspection on the ground that the fact that the other worker did not wear uniform cannot justify the charge sheeted employee reporting for duty without wearing uniform. The charge sheeted employee is said to be not wearing uniform not only on 12th March, 1997, but subsequently also inspite of specific instruction by Mr. Jagmohan Singh to the Transport Office not to allocate any work to the charge sheeted employee if he reports for duty without wearing uniform. The two letters addressed subsequently to the worker are also to the effect that he was not wearing uniform subsequently also. These facts go to show that the charge sheeted employee was not wearing uniform, ever since he was transferred to this unit and he wants to justify his action by stating that others are also not wearing uniform. It cannot be stated that the worker has not violated the rule 50. Further, the argument of the learned counsel appearing for the worker that he was not on duty at the time of reporting to Mr. Jagmohan Singh without wearing uniform is not acceptable since reporting to the Transport Superintendent is an act to be done by the worker after punching his card 'IN' and when once the punching card is punched to show that the worker

is in, it means that he has come for duty and till the punching card is punched 'OUT' he is presumed to be on duty. Therefore, the argument of the learned counsel for the workman that it is only when the worker reported before Mr. Jagmohan Singh he was not wearing uniform and it cannot be stated that he was not in uniform while on duty cannot hold water. Therefore, the finding of the Enquiry Officer on this aspect is well founded and it cannot be stated as a perverse one.

10. The next argument of the learned counsel appearing for the workman is that there is no one to speak that the worker has retained the punching card with him in order to justify the Enquiry Officer that the worker has committed breach of the rules applicable to the establishment and commission of an Act subversive of discipline. It is admitted by the worker that he has taken the photo copy of the punching card on 19th March, 1997 after punching it 'IN' on the apprehension that it may be tampered with. It is also admitted by him that subsequently he has not taken any photo copy of the punching card. Photo copy of the punching card was taken by the worker not in his unit but in some other unit. Therefore, the worker had not left the punching card after punching it 'IN' in the desk where it should have been left and he had taken it with him has been proved by the evidence placed before the enquiry committee. The evidence of Mr. George Boodle and his report dt. 18-3-87 shows that the worker punches his card 'IN' and 'OUT' and keeps the card with himself and not in the usual place on the bench. This evidence is not challenged by the worker as an incorrect one. Therefore, the finding of the Enquiry Officer on this aspect is proper and it cannot be said to be a perverse one.

11. As regards the charge sheet of disobedience is concerned we have already seen that the worker has not driven the vehicle allocated to him on 12-3-87 under the pretext that there was some snag in the vehicle.

Therefore, the finding of the Enquiry Officer on this aspect also cannot be said to be a perverse one. In the decision reported in 1977 Supreme Court page 1512 between State of Haryana and another v/s. Rattan Singh, the apex Court has held that in a domestic enquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply and all materials which are logically probative for a prudent mind are permissible. The enquiry committee on an appraisal of the evidence placed before it which are logically probative has accepted the same and has given the finding that the charges against worker has been proved. It cannot be stated that it is a perverse one for the reasons stated by the learned counsel appearing for the employee. When we consider all these aspects we have to hold that the enquiry conducted by the enquiry committee on the three charges framed against the second party worker is just, fair and proper and the finding of the enquiry officer on all the three charges are reasonable and cannot be termed as a perverse one. The point is answered accordingly.

Put up for hearing the parties on the question of sentence on 08th February, 1999.

C. V. GOVARDHAN, Presiding Officer.

नई दिल्ली, 10 जून, 1999

का. प्रा. 1869:—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स एयर इंडिया लिमि. के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण न.-1, मंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 03-06-99 को प्राप्त हुआ था ।

[सं. एल-11012/5/92-आई. आर. (मिसिल) (कोल)]

वी.एस.ए.एस.पी. राजू, डेस्क अधिकारी

New Delhi, the 10th June, 1999

S.O. 1869.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No.-1, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 03-06-1999.

[No. L-11012/5/92-IR (Misc.) (Coal)]

V.S.A.S.P. RAJU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present.

Shri Justice C. V. Govardhan
Presiding Officer

REF. NO. CGIT-45 OF 1995

PARTIES :

Employers in relation to the management of
Air-India.

and

Their Workmen

APPEARANCES :

For the Management : Ms. E. Pereira, Advocate.

For the Workman : Mr. Mokashi, Advocate.

STATE : Maharashtra

Mumbai, dated the 27th day of May, 1999

AWARD PART-II

1. In the Part-I Award passed on 8th Feb. 1999 it is held that the enquiry conducted by the Enquiry Committee on the three charges against the second party is justified, fair and proper and the findings of the Enquiry Officer on all the three charges are reasonable and cannot be termed as a perverse one. Now this matter has again been taken up for hearing the parties on the question of punishment.

2 The learned counsel appearing for the workman would contend that in the reference it is stated whether the action of the management in reducing the basic pay of Shri B. B. Tupsundare, Driver from Rs. 450/- to Rs. 320/- (Pre-revised scale) is leg and justified. If not, to what relief the workman entitled to? And this reference thus gives amp powers to this tribunal to decide the justification or otherwise of the punishment imposed on the workman. According to the learned counsel, the workman is an office bearer of the union and also an active member of the Union and therefore, the punishment imposed on the workman is by way of victimisation. As regards the allegation of victimisation is concerned it has been held in the decision reported in 1976 page 98 between M/s. Bharat Iron Works vs. Bhagubhai Balubhai Patel and others as follows :

“Victimisation is a serious charge by an employee against an employer, and therefore, it must be properly and adequately pleaded giving all particulars upon which the charge is based to enable the employer to fully meet them. The fact that there is a union espousing the cause of the employees in legitimate trade union activity and the employee is a member or active office-bearer thereof is, per se, no crucial instance. The onus of establishing a plea of victimisation will be upon the person pleading it. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced”.

In the case on hand except a mere allegation that the workman is an active member of the Union and was previously an office bearer of the Union no material has been placed before this Tribunal to hold that the workman was charge sheeted and was punished for a misconduct only to victimise him for his trade union activities and not for any other purpose. The mere allegation has been held to be not-sufficient by the Supreme Court to hold that there is victimisation. Therefore, I am of opinion that the contention of the learned counsel appearing for the workman that the workman was victimised for his trade union activities and therefore, the punishment should be held to be unjustified is no a enable one. It is also contended by the learned counsel appearing for the workman that the management has shown discrimination between his workers in framing a charge, holding an enquiry and giving him a punishment while other employees and workmen like that of the present workman herein were also doing the very same misconduct of not wearing uniform and no action is taken against them. The Enquiry Committee has rejected the contention of the worker by stating that the other

workmen did not wear uniform cannot justify the workman herein reporting for duty without uniform. The worker herein has been cross-examined after part-I Award was passed for the purpose of this enquiry. During cross-examination he has stated that he was issued with 10 to 12 charge memos within a span of 2 years. He has admitted that the memos were for various other reasons such as not wearing uniform while on duty etc. but he has not stated that the other workmen were also served with memos for not wearing uniform and faced enquiries like him and they were let off with a warning or with some other minor punishment. When the workman herein has been served with 10 to 12 memos within a span of 2 years for the misconduct of refusal of duties, not wearing uniform etc. Unless it is shown by the workman that the other workmen were also served with a number of memos like him for misconduct and yet they were let off with a warning or some other punishment, his case of discrimination is not convincing and acceptable. It may be some other workmen have committed the same misconduct for the first time or second time in which case the management had decided to let them off with a warning or some minor punishment unlike the workman herein who was issued with 12 memos during a period of two years. Discrimination can be said to have been shown only if all the workmen are in the same status. In the absence of any such evidence the theory of discrimination also has to fail.

3. The learned counsel appearing for the management would argue that the legal position is well settled after the introduction of Section 11-A of the I.D. Act where Labour Court has powers to mould and give proper reliefs in case of discharge or dismissal of workmen and not in other cases. He has also relied upon the decision reported in 1997 2 CLR page 312 between USV Ltd. vs. Maharashtra General Kamgar Union & Anr. and 1995 1 CLR page 567 between Rajasthan State Road Transport Corporation & Anr.

vs. Judge, Industrial Tribunal, Bikaner, & Ors. for the proposition that Provisions of Section 11 are applicable only in cases of discharge or dismissal of workmen. According to the learned counsel in the case on hand a very minor punishment of reduction of pay has been imposed and Section 11-A of the I.D. Act cannot be pressed into service to set aside the punishment. The learned counsel appearing for the workman would on the other hand argue that when the reference issued required this tribunal to decide whether the punishment is legal and justified it must be held that the tribunal has ample powers to decide the justification of the punishment and there is nothing wrong in setting aside the punishment after holding that it is not justified on account of the discrimination and victimisation shown to the worker. It is no doubt true that the reference is to the effect whether the action of the management in reducing the basic pay of Shri B. B. Tupsundare is legal and justified. But that cannot empower the tribunal to exercise its powers under Section 11-A of the I.D. Act to set aside the punishment holding that the punishment is not justified etc. The reference can only be in accordance with the statute. When this tribunal has no powers under Section 11A to interfere with the punishment imposed on a workman who was not been dismissed or discharged, the prayer by the workman to set aside the punishment of reducing the basic pay by exercising powers under Section 11-A cannot be a tenable one.

4. Considering all these aspects, I am of opinion that the punishment imposed on the workman is legal and justified and does not call for any interference.

5. In the result, a Part-II Award is passed holding that the punishment of reduction of basic pay imposed by the management on the workman is legal and justified and does not call for any interference.

C. V. GOVARDHAN, Presiding Officer

